

**Rush-Henrietta  
Central School District**



**Code of Conduct**  
***2018-19***

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## I. INTRODUCTION

The Rush-Henrietta School District Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents, and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property, including the school bus, and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. In order to determine the circumstances related to an infraction of the Code of Conduct, it is often necessary to question students regarding their observations of and/or participation in the event. While communication with parents is always a top priority, it should be noted that, “Neither the Education Law nor the Federal Constitution require school officials to contact the parents of a student before questioning that student concerning an alleged infraction of a school rule.” (35<sup>th</sup> Edition, *School Law, New York State School Boards Association, page 650.*)

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property; to identify the possible consequences of unacceptable conduct; and to ensure that discipline, when necessary, is administered promptly, fairly, and consistently.

The Board believes that each student is expected to be responsible for his/her own behavior. Students who fail to meet the expected degree of responsibility and violate school rules may be subject to appropriate disciplinary action and more regulated supervision (*District Policy Manual 5310*). Penalties for violations of the Code of Conduct may be, but are not limited to, a verbal or written warning; notification of parents; detention; suspension from transportation; suspension from extra-curricular activities; in-school suspension; out-of-school long-or short-term suspension; other loss of privileges; removal from class by classroom teacher; notification of law enforcement officials; and permanent suspension from school.

Each school district must adopt and enforce a code of conduct for the maintenance of order on school property and at school functions (§2801(2); 8 NYCRR§ 100.2 (1) (2)). To this end, the Board adopts this Code of Conduct (“Code”).

## II. APPLICABILITY

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function wherever that function is located.

## III. DEFINITIONS

For purposes of this code, the following definitions apply:

**A. “Disruptive Student”** means an elementary or secondary student under the age of 21 who substantially interferes with the educational process or with the teacher’s authority over the classroom (§3214(2)).

**B. “Gender”** means actual or perceived sex and shall include a person’s gender identity or expression (§11 (6)).

C. **“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

D. **“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

E. **“Parent”** means parent, guardian, or person in a legally recognized parental relation to a student.

F. **“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142; (§2801(1)); (§11(1)).

G. **“School Function”** means any school-sponsored extra-curricular event or activity (§11(2)).

H. **“Sexual orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality (§11(5)).

I. **“Violent Student”** means a student under the age of 21 who commits an act of violence as listed on the NYS Violence and Disruptive Incident Report Form and/or who:

1. Commits an act of violence upon a school employee or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

J. **“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death (§3214(2-a)(3) and (4) when used to cause physical injury or death, or any instrument that appears capable of causing physical injury or death (§3214(6)).

#### IV. STUDENTS RIGHTS AND RESPONSIBILITIES

##### A. Student Rights (*District Policy Manual 5311*)

The district is committed to safeguarding the rights given to all students under state and federal law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all Rush-Henrietta students have the right to:

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.

2. Present their version of relevant events to school personnel authorized to impose a disciplinary penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
4. Exercise freedom with established guidelines and to demonstrate responsibility for their behavior.
5. Receive guidance in the understanding and development of self-discipline and responsibility.
6. Expect an orderly school environment that includes:
  - a. personal safety.
  - b. protection of property.
  - c. an atmosphere in which learning can take place.
  - d. an atmosphere that promotes emotional security.
7. Expect that school regulations will comply with federal, state, local educational law.
8. Expect due process procedures that include:
  - a. the right to be informed of all school rules.
  - b. the right to expect fair, appropriate and consistent enforcement of rules.
  - c. the right to expect communication and cooperation between school and home.
9. Expect that school personnel will act and make decisions based on each student's best interests.

## **B. Student Responsibilities**

All Rush-Henrietta students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons or property.
2. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
3. Be in regular attendance at school and in class, and prepared to learn.
4. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Seek help in solving problems that might lead to discipline procedures.
7. Dress appropriately for school and school functions.
8. Accept responsibility for their actions.
9. Conduct themselves as representatives of the District when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

**\* See Appendix on page 30: Student Bill of Rights and Responsibilities**

## **V. ESSENTIAL PARTNERS**

All essential partners are expected to:

### **A. Parents** (*District Policy Manual 1900*)

1. Recognize that the education and conduct of their child (ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.

5. Ensure their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help maintain a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Inform school officials of changes in the home situation that may affect student conduct or performance.
10. Provide a place for study and ensure homework assignments are completed.
11. Build positive, constructive relationships with teachers, other parents and their children's friends.
12. Help their children deal effectively with peer pressure.

## **B. Teachers**

1. Understand that each member of the staff has the right to expect that conditions within the school, at school-related activities, and within the individual classroom will enable him or her to carry out professional responsibilities and to achieve personal and professional satisfaction.
2. Understand that each member of the community, student, staff, parent or visitor, is worthy of respect and consideration.
3. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self- concept and promote confidence to learn.
4. Be prepared to teach.
5. Maintain confidentiality in conformity with federal and state law.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair and consistent manner.
8. Communicate to students and parents:
  - a. course objectives and requirement.
  - b. marking/grading procedures.
  - c. assignment deadlines.
  - d. expectations for parents and students.
  - e. classroom discipline plan.
9. Communicate regularly with students, parents, and other teachers concerning growth and achievement.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces.
11. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
12. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

## **C. School District Health, Mental Health Personnel (Psychologists, Social Workers, School Counselors, School Nurse-Teachers, etc....)**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
3. Initiate conferences with the primary stakeholders, as necessary and appropriate, as a way to resolve problems.
4. Encourage parents and students to benefit from the curriculum and extracurricular programs.

5. Regularly review with students their educational progress and career plans.
6. Provide information to assist students with career planning.
7. Maintain confidentiality in accordance with federal and state law.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

#### **D. Principals/Building Administrators**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

#### **E. Superintendent**

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Maintain confidentiality in accordance with federal and state law.
4. Inform the Board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

## **F. Board of Education**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, parent organizations, school safety personnel, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
5. Adopt and review, at least annually, the district's code of conduct, to evaluate the code's effectiveness, and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

## **G. Other School Personnel**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

## **H. Assistant Superintendent of Student and Family Services**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide Creating Supportive Learning Environments through Positive and Behavioral Interventions & Supports (CSLE-PBIS) initiative.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Be responsible for ensuring that at least one person at every school in the district is trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.
5. Identify resources that support parent education around bullying and bullying prevention.
6. Develop guidelines for administrators on the identification and prevention of bullying.
7. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.



8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

## **VI. STUDENT DRESS CODE** (*District Policy Manual 5311.5, 5311.6*)

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions (§2801(2) (a)). Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails shall:

**A.** Be safe, appropriate, and not disrupt or interfere with the educational process. Examples of unacceptable dress may include but are not limited to:

1. Muscle shirts and/or tops with large sleeve openings;
2. Extremely brief, revealing, or see-through garments such as tube tops, net tops, and halter tops;
3. Clothing that allows undergarments or bare midriffs to be exposed;
4. Tank tops with less than two-inch wide straps;
5. Low-cut blouses/shirts/tops or any top that exposes cleavage;
6. Extremely tight clothing;
7. Skirts or shorts that are of an overly revealing nature;
8. Items of clothing with sexual references or innuendos;
9. Clothing attachments or accessories that could be considered weapons (*e.g. long chains, spiked jewelry*).

**B.** Include footwear at all times. Footwear that is a safety hazard will not be allowed. This includes the prohibition against wearing "heelies" and other types of roller equipped footwear.

**C.** Not include the wearing of head coverings in school following the start of the regular day except for medical or religious purposes. This includes the pulling up of hoods on "hoody" sweatshirts. (*Note: At the Senior High School, hats and other headgear are permitted under guidelines established by the senior high school administration. Additionally, all students are expected to follow hats and other head covering rules established by their individual teachers.*)

**D.** Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

**E.** Not promote and/or endorse the use of alcohol, tobacco or illegal drugs, and/or encourage other illegal or violent activities.

**F.** Not include the wearing of long outerwear such as trench coats during the school day.

**G.** Not include any dress or clothing that a school principal has designated as a gang or group identity that may become disruptive, is negative, or intimidating.

Each building principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students in violation of the dress code may be asked to:

1. modify their appearance by covering or removing the offending item.
2. replace it with an acceptable item.

Students may also be subject to further discipline.

## **VII. PROHIBITED STUDENT CONDUCT** (*District Policy Manual 5312*)

The Board recognizes the need to make its expectations for student conduct while on school property or at a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

The type and extent of disciplinary action for violations of the code of conduct shall be determined by the building administration or Superintendent. Disciplinary measures shall be appropriate to the seriousness of the offense and/or applicable to the previous disciplinary record of the student.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

### **A. Engage in conduct that is disorderly** (*District Policy Manual 5312*)

Examples of disorderly conduct include, but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive. It is expected that all students will use language and gestures appropriate to the school/campus setting at all times.

#### **\* PROFANITY DIRECTED AT A STAFF PERSON MAY RESULT IN A SUSPENSION.**

4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community including those acts as defined in the New York State Penal law on Disorderly Conduct.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Gambling. Games utilized for gambling purposes may not be played on the school campus. It is the goal of the district to provide an environment for learning in which gambling has no place.
8. Minor Altercations. Students will also refrain from engaging in any form of minor altercation which is defined as striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass alarm or seriously annoy another person, but no physical injury results.
9. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's digital acceptable use policy.

## **B. Engage in conduct that is insubordinate** (*District Policy Manual 5312; 5161*)

Examples of insubordinate conduct include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
  - Tardiness: it is expected that all students will arrive on time for all assigned classes. Students will be informed by their teachers of their tardy policy at the beginning of the school year.
  - Leaving school grounds: Rush-Henrietta Central School District operates a closed campus. Students are expected to stay on school grounds from the time they arrive until legally dismissed or unless permission has been obtained through the attendance office indicating an early dismissal.
  - Class Cut: An unexcused absence or an unexcused tardiness of more than five minutes from any class period. Multiple cuts may result in an additional assignment of in-school suspension and/or parent conference.
3. Skipping detention.
4. Truancy
  - It is expected that students will attend school on all scheduled school days unless they are legally excused by a call and/or note from a parent indicating an awareness of the student's absence. Incidents of truancy may result in a minimum of one day of in-school suspension.

## **C. Engage in conduct that is disruptive** (*District Policy Manual 5312*)

Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate displays of affection or sexual contact.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy (*except as noted below*).
4. Disrespect to a staff member
5. Disrespect to a student

### Cell Phones & Any Other Electronic Devices (Digital Etiquette)

Cell phones, personal computing devices (iPads, tablets, etc.), personal music devices (iPods, MP3s), video game systems and other sound and/or recording equipment used in the general setting of the school can be disruptive to the learning process. Appropriate use of permissible devices is required at all times.

Students found using an electronic device during times when they are prohibited, will have their device confiscated. In the event that a student's device has been confiscated by a staff member, the device will be given to a building administrator. The device may be retrieved at the end of the school day in accordance with school building procedures.

Students at the high school level are permitted to use their cell phones (*and text messaging features*), personal computing devices (*iPads, tablets, etc.*), and personal music devices (*iPods, MP3s*) during non-instructional times of the day. Non-instructional time refers to passing times between blocks and other settings as deemed appropriate by the high school administrators. Students may also use these devices during instructional time as deemed appropriate by the teachers for instructional purposes only. Students who inappropriately utilize a cell phone, personal computing device, or personal music device may have their use restricted further, as determined by the administrative team.

The production, possession, transmission and/or distribution, by any means, of text material including but not limited to sexually suggestive images, nude or partially nude images, or sexually explicit text in any media is strictly prohibited. Any student receiving such images is required to immediately report it to a building administrator and/or staff member. Students may be subject to all district forms of discipline, including police involvement/arrest.

*\* During emergency situations, it is imperative that we are able to effectively communicate with students. Therefore, students are not permitted to use electronic devices during emergency situations.*

***\*THE RUSH-HENRIETTA CENTRAL SCHOOL DISTRICT IS NOT RESPONSIBLE FOR DAMAGE, OR LOSS OF PROPERTY. NOR IS THE DISTRICT RESPONSIBLE FOR LOCATING PERSONAL PROPERTY THAT HAS BEEN ALLEGEDLY STOLEN/ MISSING.***

#### **D. Engage in conduct that is violent (*District Policy Manual 5312*)**

Examples of violent conduct include each of the acts summarized in the *Violent and Disruptive Incident Report (VADIR)*. Form (Addendum #1) published by the New York State Education Department. Other examples include but are not limited to the following:

1. Committing an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Intentionally damaging or destroying school district property.
4. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon.
7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.

\* Any individual who assaults another person on school grounds may be subject to arrest by the Monroe County Sheriff's Office. Such assaults will be a class D felony, rather than the current class A misdemeanor and, if convicted may carry a sentence of up to four years imprisonment. The Rush-Henrietta school officials will assist law enforcement agencies in the prosecution of any individuals involved to the full extent of the law.

**\* Any violent conduct directed at a staff person will result in a suspension.**

- E.** Engage in any conduct that endangers the safety, physical or mental health, or welfare of self or others.  
(*District Policy Manual 5312; 5303; 5303-R*)

Examples of such conduct include, but are not limited to:

1. Misrepresentation of self to school personnel by lying, forging or giving false identification.
2. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
3. Stealing or attempting to steal the property of another student, school personnel, or any other person lawfully on school property or attending a school function.
4. Possession of any reported stolen property.
5. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
6. Discrimination, which includes the use of race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
7. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. Harassment is also the creation of a hostile environment (*District Policy 5303, 5303-R*).
8. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm (*District Policy Manual 5303, 5303-R*).
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Bullying behaviors that berate or intimidate others using threats, insults and/or gestures. This may also include forms of cyber bullying, including text messages, social media postings, image postings or other forms of behavior that belittle or intimidate another student.
11. Selling, using, distributing or possessing obscene material.
12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drug paraphernalia, or controlled substances, or being under the influence of either. "Controlled substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cannabaminetic agents, cocaine, LSD, PCP, amphetamines, barbiturates, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
13. Possession of any smoking paraphernalia or nicotine dispensing device, including, but not limited to E-cigarettes, smokeless tobacco, vaporized tobacco, chewing tobacco, any incendiary devices used to heat and enable the administration of a tobacco product.  
Note: students suspected of being under the influence of a substance may be subject to an assessment by DITEP (*Drug Impairment Training for Educational Professionals*) trained staff members.
14. Using vulgar or abusive language, cursing or swearing.
15. Inappropriately using, possessing, dispensing, or sharing prescription and over-the counter drugs.
16. Gambling in any form.
17. Sexual Harassment/sexual misconduct, all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. Sexual harassment and/or Sexual Misconduct may include, but is not limited to, the following:

- Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner.
- Verbal harassment or abuse.
- Pressure for sexual activity.
- Repeated remarks to a person, with sexual or demeaning implications.
- Unwelcome touching, leering, flirtations or propositions.
- Graphic verbal comments or intrusive sexual conversation or questioning.
- Sexual jokes, stories, drawings, pictures or gestures.
- Spreading sexual rumors.

**18.** Encouraging others to fight as well as, failing to follow directives to disperse in the event of a fight. This may also include, but not limited to, not reporting a potential fight and videotaping a fight. Videotaping a fight is considered incitement.

**19.** Posting images of inappropriate student conduct to social media sites that affect students and/or the school community in a negative manner.

**20.** Possession of a laser pointer.

**21.** Misuse of Computer Hardware/Software (*District Policy Manual 4526, 4526-R, 4526-E*).

The Rush-Henrietta Board of Education prohibits the use of any computer hardware/software in any inappropriate, fraudulent, or destructive manner. Examples of misuse include, but are not limited to:

- sending out unauthorized messages.
- entering a code protected file.
- unauthorized entry into a computer file or program.
- altering of a software program.
- vandalizing hardware or software components.
- visiting inappropriate sites on the Internet.
- accessing another student/staff member's account.

**22.** E-mail and Internet Use (*District Policy Manual 4526, 4526-R, 4526-E*). Rush-Henrietta provides access to the Internet and district e-mail for authorized instructional, business, and administrative purposes only. Personal privacy in the use of the R-H Internet is not guaranteed by R-H. The district has the right to examine any personal electronic files to assure that the R-H Internet facilities and connections are being used only for authorized purposes.

**23.** Bomb Threats (*District Policy Manual 8133, 8133-R, 8133-E*).

The reporting of a false bomb threat, as well as falsely reporting an incident of explosion, fire, or the release of a hazardous substance, is a Class E felony. Any individual(s), if convicted of falsely reporting a bomb threat, could face felony criminal prosecution, as well as a one year suspension of their driver's license. Persons may face youthful offender or juvenile delinquency adjudication. Any bomb threat or falsely reporting an incident unrelated to school grounds is a Class A misdemeanor. Restitution of up to \$10,000 may be paid to municipalities, fire districts, and any other emergency service providers for costs associated with their response to a bomb threat on school grounds. Parents may be required to pay up to \$5,000 for a child who makes a false report. Given the above, the Rush-Henrietta Central School District will cooperate with the proper authorities in prosecuting any individual(s) making such a threat to the fullest extent of the law.

**24.** False Fire Alarms/Tampering With Safety and/or Security Devices. It is expected that students will never report or pull a fire alarm without cause. Students will also not touch or in any way tamper with

the AED devices or safety and security devices, including surveillance cameras. Any false reporting to 911 or any other emergency responder or school personnel, or tampering with safety and/or security devices is prohibited and subject to disciplinary action, including referral to the Monroe County Sheriff's Department. These actions are a danger to the health and safety of all members of the community including the emergency responders who respond to the call.

25. Starting a fire and/or being in possession of fireworks or other incendiary devices on school property or at a school district sponsored event (*District Policy Manual 1520, 1532, 5312, 8133R, 8133 E.1*).

#### **F. Engage in misconduct while on a school bus** (*District Policy Manual 5320, 8410, 8414.4*)

The Rush-Henrietta Central School District maintains and operates an extensive transportation system for the purpose of bringing students to and from school safely and on time. Since riding school transportation is an extension of the school day, the code of conduct is in effect. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior (as noted in Prohibited Student Conduct A-E). Excessive noise, arguing, pushing, shoving and fighting will not be tolerated.

Student/parent cooperation is necessary to ensure the safety of all passengers during transit. Any misbehavior on the bus may be a danger to the health and safety of others. Listed below are possible actions that may be taken by the Principal and/or the Director of Transportation.

1. Telephone contact by the bus driver: The bus driver will call the parent(s) and explain what the student did that interfered with the trip to or from school. Parental support in getting the problem corrected will be sought.
2. Written conduct report: The bus driver will make a written report and turn it in to the Transportation Department office. The head driver or director will call the parent(s) and explain what happened and seek parental support. A copy of the report will be sent home. A copy will also be sent to the principal of the school. The Principal/designee and the Director of Transportation will decide if any further action is to be taken. Conduct reports may lead to suspension of busing services from one to five days. During that time, the parent(s) will be responsible for the transport of their child.

*\*\* Call the Transportation Dept. @ 359-5380 with concerns/questions\*\**

#### **Surveillance Cameras on School Buses** (*District Policy 8414.4*)

The Board of Education recognizes its responsibility to maintain and improve discipline and ensure the safety and welfare of its staff and students on school transportation vehicles.

Surveillance cameras may be used to monitor student behavior on school vehicles transporting students to and from school or extra-curricular activities. These recordings are used primarily as evidence in disciplinary matters. However, the district may use such recordings for any other purpose it deems appropriate.

Students in violation of bus conduct rules shall be subject to disciplinary action in accordance with established board policy and regulation governing student conduct and discipline.

## G. Engage in any form of academic misconduct.

Examples of academic misconduct include, but are not limited to:

1. plagiarism: lack of intent does not necessarily cancel or excuse the act.
2. cheating.
3. copying.
4. altering records (e.g. forgery).
5. assisting another student in any of the above actions.

*Note: Violation of Regents exams is subject to State Education Law.*

## H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function.

Examples of such misconduct include, but are not limited to:

1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic medium).
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

## VIII. REPORTING VIOLATIONS (*District Policy Manual 5312*)

All students are expected to promptly report violations of the code of conduct to a teacher, counselor, administrator or any other staff member. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function, or any other action that could endanger the health or safety of students or staff shall report this information immediately to a teacher or administrator. Failure to do so may result in disciplinary action.

All district staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff not authorized to impose disciplinary sanctions is expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

The Superintendent may release, at her/his discretion, such records of violations and actions taken to local law enforcement agencies to the extent allowed under law.

## IX. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:



1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **A. Penalties**

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination.

1. Oral/verbal warning
2. Written warning
3. Written notification to parents or guardians
4. Detention
5. Suspension from transportation
6. Suspension from athletic participation
7. Suspension from social or extra-curricular activities
8. Suspension from other privileges
9. In-school suspension
10. Removal from classroom by teacher
11. Short-term (five days or less) suspension from school
12. Long-term (more than five days) suspension from school
13. Permanent suspension from school
14. Restitution

### **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents, are entitled to additional rights before the penalty is imposed.

### **1. Intervention**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. At times, a teacher may wish to send a student out of the classroom for a brief period of time. The student may be sent to a time out area or to the office. The teacher may request that the Building Principal or designee intervene in an effort to redirect student behavior to acceptable limits. Such contact with a student will be referred to as an *intervention*. The student is expected to be out of the classroom for a brief period and then returned to the classroom at the discretion of the Building Principal or designee. At the discretion of the Building Principal, the content and results of the *intervention* may become part of the student records, depending on the severity of the infraction.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus and/or a designated bus stop, the bus driver is expected to bring such misconduct to the Director of Transportation and school administration's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal, Transportation Director, the Superintendent or designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to an inability to attend school, the district will make appropriate arrangement to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with an opportunity for an informal conference with the Building Principal or the Principal's designee to discuss the conduct and the penalty involved.

### **3. Suspension from athletic participation, co-curricular activities and other privileges**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved. Suspensions longer than two days from such events and/or activities will require authorization by the Director of Athletics or building-level administrator. Suspensions longer than five school days will require the approval of the Assistant Superintendent for Student & Family Services. *Note: Non-school days will not be counted within any suspension days.*

### **4. In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." Within this setting, educational programming and activities will continue. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## **5. Removal by a teacher**

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. This occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instruction or repeatedly violates the teacher's classroom behavior rules. (Note: This legislation, as it relates to teacher removal, does not include violent students. As in the past, a student who exhibits violent behavior will be immediately referred to the Building Principal for a possible five-day suspension to the Office of the Superintendent.)

The SAVE legislation provides classroom teachers the ability to remove a disruptive student from the classroom for a specified period of time (§3214(3) (b) (2)). Such action will be referred to as a *Removal*. A classroom teacher may remove a disruptive student from class for the remainder of that class period and the next full period of that class. The removal from class applies to the class of the removing teacher only.

## **6. Suspension from school** (*District Policy Manual 5313.3*)

The Board recognizes that there are occasions when all other reasonable procedures having been exhausted, the educational process may be better served by the suspension of a student from school. Principals may suspend a student for periods not to exceed five school days. The Board and/or Superintendent may suspend a student for longer than five days.

Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety (physical or mental), health or welfare of others. The district will not permit students to engage in any conduct intended to destroy personal or school property, to disrupt or interfere with teaching, research, service, administrative or disciplinary functions, or any district sponsored or approved activity (*District Policy Manual 5300*). The SAVE legislation give Building Principals the authority to suspend students for five days or less (§3214(3) (a)). In cases of this type, the Principal conducts an informal hearing with the student and other individuals who may have information concerning the situation. When a suspension is imposed, the student and parent(s)/guardian(s) are notified and a written record of the case is made.

If a suspension of more than five days is being considered, the Principal will suspend the student to the Office of the Superintendent and a Superintendent's Suspension Hearing will be held. The student and his/her parents will be notified of the time and place of the hearing. A hearing officer appointed by the Superintendent will conduct the hearing. The hearing will be videotaped and, based on the information presented at the hearing; the Superintendent will make a decision regarding disciplinary recommendations. An appeal of the decision can be made to the Board. (*District Policy Manual 5311-E.1*)

All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing, unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

When the Superintendent or Principal proposes to suspend a student charged with misconduct for five days or less (§3214 (3)), the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension and must notify the student's parents in writing that the student may be suspended from school.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. The notice and opportunity for an informal conference shall take place before the student is suspended, unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

When the Superintendent or Building Principal determines that suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have the right to be represented by counsel; the right to question witnesses against him or her; and the right to present witnesses and other evidence on his or her behalf. An appeal of the decision of the Superintendent may be made to the Board, who will make its decision based solely on the record before it.

### **7. Minimum periods of suspension**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- the student's age.
- the student's grade.
- the student's prior disciplinary record.
- the Superintendent's belief that other forms of discipline may be more effective.
- input from parents, teachers, and others.
- other extenuating circumstances.

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. (Note: Due process shall be the same as for a short-term suspension.) The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis, considering the same factors as above.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For the purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions in a semester. If the proposed penalty is the minimum five-day suspension, due process shall be the same as for a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis, considering the same factors as above.

## 8. Due process (District Policy Manual 5311.1)

When *removing* a disruptive student from class, if the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed. Only after the informal discussion, may a teacher remove a student from class (§3214(3-a)(a)).

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within 24 hours. A student who has been removed from a classroom by a teacher will report to the appropriate administrator's office immediately and await instructions from the Principal or designee.

The teacher must complete the disciplinary referral form and meet with the Principal or designee as soon as possible, but no later than the end of the school day to explain the circumstances of the referral and to present the referral form. If the Principal or designee is unavailable, the teacher will contact the administrator on call and inform him/her of the events. The teacher is also expected to contact the student's parents and explain the circumstances of the removal.

As soon as possible, but no later than 24 hours after the student's removal, the Principal or designee must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the Principal or designee and the removing teacher to discuss the reasons for the removal. A teacher who removes a student from his/her class is expected to attend a conference, upon request, with the student's parent/guardian.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

If, at the informal meeting, the student denies the charges, the Principal or designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and the Principal.

The Principal or the designee may overturn the removal of the student from class if the Principal finds any one of the following (§3241) (3-a) (c):

- the charges against the student are not supported by substantial evidence.
- the student's removal is otherwise in violation of law, including the district's code of conduct.
- the conduct warrants suspension from school, pursuant to Education Law §3214, and a suspension will then be imposed.

The Principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference if a conference is requested (§3214 (3-a)). No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination or the period of removal expires, whichever comes first.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming until he or she is permitted to return to the classroom.

Each teacher must complete a referral form for all cases of removal of students from his/her class. The Principal or designee must keep a log of all removals of students from class.

## **9. Referrals**

Counseling of students may be handled by school counselors, social workers, psychologists, or, in some cases, school nurse-teachers. The individuals responsible for counseling students will be assigned by the Principal or designee. The district may file a PINS (Person In Need of Supervision) petition in Family Court on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:

- being habitually truant and not attending school as required by part one of Article 64 of the Education Law.
- engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- knowingly and unlawfully possesses marijuana in violation of the Penal Law §221.05.

In the case of juvenile delinquents and juvenile offenders, the Superintendent is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the Family Court:

- any student under the age of 16 who is found to have brought a weapon to school.
- any student 14 or 15 years old, who qualifies for juvenile offender status, under the Criminal Procedure Law §1.20(42).

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old, who qualifies for juvenile offender status, to the appropriate law enforcement authorities.

## **X. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

## **XI. DISCIPLINE OF STUDENT WITH DISABILITIES**

### **A. Removing a Student with a Disability (*District Policy Manual 5310*)**

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the CSE chairperson that the removal will not violate the student's rights under state or federal law or regulation. (Note: This does not include a student whose behavior is violent.)

The Board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary

action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

Under federal law, removing a student with a disability from the classroom for even part of a day can constitute a removal for the entire day. Subjecting a student with a disability to a series of suspensions or removals that create a pattern because they accumulate to more than 10 school days in a school year can constitute a change in placement. School districts are required to afford students with a disability certain procedural protections before there is a change in placement.

For the purposes of this section of the code of conduct, the following definitions apply:

1. A “*suspension*” means a suspension, pursuant to Education Law §3214.
2. A “*removal*” means a removal for disciplinary reasons from the student’s current educational placement, other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or others.
3. An “*IAES*” means a temporary education placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current IEP, that will enable the student to meet the goals set out in the IEP and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

#### **B. Authorized Suspensions or Removals** (*District Policy Manual 5310*)

School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

1. The Board, the Superintendent, or Building Principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
2. The Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under above conditions for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
3. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
4. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells/solicits the sale of a controlled substance while at school or a school function.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his/her current educational placement poses a risk of harm to the student or others.

**Change of Placement Rule:** A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a. For more than 10 consecutive school days, or;
- b. For a period of 10 consecutive school days or less, if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removal. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs, or controlled substances.

### **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

The District's CSE shall conduct functional behavioral assessments (FBA) to determine why a student engages in particular behavior and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs, or controlled substances.

If, subsequently, a student with a disability who has a behavioral intervention plan (BIP) and who has been suspended or removed from his/her current education placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavior intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such a plan and its implementation to the extent the committee determines necessary.

The CSE shall conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES, either for misconduct involving weapons, illegal drugs, or controlled substances; or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action and who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability



for discipline purposes. The Superintendent, Principal, or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge that the student was a student with a disability, the district either:

1. Conducted an individual evaluation and determined that the student is not a student with a disability, or;
2. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student, who is not a student presumed to have a disability for discipline purposes, shall remain in the educational placement determined by the District, which can include suspension.

The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs, or controlled substances; or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and penalty phase, in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

The removal of a student with disabilities, other than a suspension or placement in an IAES, shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### **D. Expedited Due Process Hearings** (*District Policy Manual 5311.1*)

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:

1. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his/her current educational placement, or during the pendency of due process hearing where school personnel maintain that it is dangerous for the student to be in his/her current educational placement during such proceedings.
2. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability or relating to any decision regarding placement including, but not limited to, any decision to place the student in an IAES.

During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs, or controlled substances; or on grounds of dangerousness; or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.

If school personnel propose to change the student's placement after expiration of an IAES placement during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he/she must mail a written decision to the district and the parents within five business days after the last hearing date and, in no event, later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to Law Enforcement and Judicial Authorities**

In accordance with the provisions of IDEA and its implementing regulation, the District may report a crime committed by a child with a disability to appropriate authorities and such action will not constitute a change of the student's placement. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted for consideration to the appropriate authorities to whom a crime is reported.

#### **XII. CORPORAL PUNISHMENT** (*District Policy 5314, 5314-R*)

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. The use of corporal punishment or aversive intervention by district employees is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- A. protect oneself, another student, teacher or any person from physical injury.
- B. protect the property of the school or others.
- C. restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

### **XIII. STUDENT SEARCHES AND INTERROGATIONS** (*District Policy Manual 5330*)

In recognition of certain societal problems which present themselves from time to time in our schools, the Board of Education authorizes the search of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the safety, physical or mental health, welfare or morals of the schools or which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school ("subject material"). Any such matter discovered by a school official shall be subject to immediate seizure, the disposition thereof to be determined by the relevant facts and circumstances. Any illegal or contraband materials will be turned over to an appropriate law enforcement agency.

In authorizing such searches and seizures, the Board acknowledges both state and federal constitutional rights, which are applicable to searches of students and/or of their possessions (e.g., pocket contents, book bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion. The scope of such a search shall be limited to the minimal intrusion upon the student's right to personal privacy as is necessary to effectuate the purpose of the search.

The Board authorizes school officials, in conjunction with law enforcement agencies, to conduct searches with the assistance of drug-sniffing dogs. Such searches shall be limited to objects and space. Lockers, desks, and cars may thus be searched. The use of drug-sniffing dogs in the search of a person is not permitted unless there is reasonable cause to believe that the student possesses contraband on the student's person based upon independent, credible evidence. Any indication by the dog that contraband is present shall be reasonable cause for a further search by school officials.

#### **A. Interrogation of Students by Police** (*District Policy Manual 5330*)

It is the policy of this district to cooperate with law enforcement agencies. While police do not have a general power to interview students in schools or to use school facilities in connection with police department work, the police may enter the schools of the District if a crime has been committed on school property, if they have a warrant for arrest or search, or if they have been invited by school officials.

When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police. In every instance however, the school should immediately contact the student's parent/guardian and try to arrange for their presence if at all possible, or obtain their consent. In addition to the parent/guardian, a certified school professional designated by the Building Principal shall always be present during the questioning of a student.

#### **B. Child Protective Services' Investigations** (*District Policy Manual 5330*)

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students in accordance with this policy and the law.

#### **XIV. VISITORS TO SCHOOL** (*District Policy Manual 1240, 1240-R*)

The Building Principal or his or her designee is responsible for all persons in the building and on school grounds. Anyone who is not a regular staff member or student of the school will be considered a visitor.

For these reasons, the following rules apply to visitors to the schools:

- A. All visitors must report to the greeter and/or main office, show appropriate identification, and follow the procedures for a school visit.
- B. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal or his or her designee, so that class disruption is kept to a minimum.
- C. Parents or citizens who wish to speak with a teacher concerning the progress of a child must make an appointment with the teacher.
- D. Any unauthorized person on school property will be reported to the administrator in charge or his or her designee. Unauthorized persons will be asked to leave. Law enforcement may be called if the situation warrants.
- E. All visitors will abide by the rules for public conduct on school property contained in this code of conduct.

#### **XV. PUBLIC CONDUCT ON SCHOOL PROPERTY** (*District Policy Manual 0100, 0150, 0160, 1240 1520, 1521, 1530, 1532, 1535*)

The District is committed to providing and maintaining an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers, and district personnel.

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

- 1. Intentionally injure any person or threaten to do so.
- 2. Intentionally damage or destroy school district property or the personal property of any staff member or person lawfully on school property.
- 3. Disrupt the orderly conduct of classes, school programs, or other school activities.
- 4. Distribute or wear materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- 5. Intimidate, harass, or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability, ancestry, or marital status.
- 6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- 7. Obstruct the free movement of any person in any place to which this Code applies.
- 8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
- 9. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled or illegal substances, or be under the influence of either on school property or at a school function. In addition, the use of tobacco products is prohibited.

10. Possess or use weapons in or on school property or at a school function.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of school District officials performing their duties.
14. Willfully solicit and/or incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance, or Board policy while on school property or at a school function.
16. Communicate in a manner that is offensive or degrading by language or gestures.
17. Offend in any way visiting teams or players.
18. Berate coaches or officials.
19. Berate, bully, or belittle in any way other individuals.

**B. Penalties** (*District Policy Manual 1520, 1520-R*)

Persons who violate this code may be subject to the following penalties:

1. Visitors' authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises or be subject to ejection.
2. If a trespasser or visitor does not voluntarily remove himself/herself from school property, the services of the police shall be obtained for his/her ejection.
3. Students shall be subject to disciplinary action, as the facts warrant.
4. Tenured faculty members shall be subject to disciplinary action, as the facts warrant in accordance with Education Law §3020-a.
5. Staff members entitled to the protection of Civil Service Law §75 shall be subject to immediate ejection and to disciplinary action, as the facts warrant in accordance with Civil Service Law §75.
6. Other staff members shall be subject to warning, reprimand, suspension, or dismissal, as the facts warrant.

**C. Enforcement** (*District Policy Manual 1520, 1520-R*)

School district administrators or his or her designee shall be responsible for enforcing the conduct required by this code.

In the case of any apparent violation of these rules by such persons which, in the judgment of the school administrator or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any District properties where their continued presence and conduct is in violation of these rules. Designees shall request the assistance of the Principal, if needed.

In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Principal or his/her designee shall cause the ejection of the violator from any premises that he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as herein before provided.

The school administrator or his/her designee may apply to the public authorities for any aid that he/she deems necessary in causing the ejection of any violator of these rules. Designees shall notify the Principal when the public authorities are called. The Principal shall notify the Superintendent when the public authorities are called. The Superintendent may request the Board's counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

This regulation and the penalties contained herein are not considered to be inclusive or to preclude, in any way, the prosecution and conviction of any person for the violation of any federal law, state law, or local ordinance and the imposition of a fine or penalty provided for therein.

## **XVI. DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

### **B. Review of Code of Conduct**

The Board will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

## **XVII. VIOLENT & DISRUPTIVE INCIDENTS-ADDENDUM #1**

### **As defined by the New York State Department of Education (VADIR):**

1. **Homicide** (*District Policy Manual 5312*): Conduct that result in the death of another person.
- 2a. **Forcible Sexual Offenses** (*District Policy Manual 0150, 1520, 5312*): Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttock, breast, genitalia.
- b. **Other Sex Offenses**: Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another

student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.

- 3a. Physical Injury:** means impairment of physical condition or substantial pain and included but is not limited to black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.
- b. Serious Physical Injury:** means a physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
- 4. Weapons possession** (*District Policy Manual 1520, 1521, 1532, 5312.2*): possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under two categories; routine security checks and weapons possessed under other circumstances.
- 4a. Routine Security Checks:** possession of one or more weapons secured through routine security checks.
- b. Weapons possessed under other circumstances:** possession of one or more weapons at a school function or on school property which are not discovered through a routine security check.
- 5a. Material Incident of Discrimination, Harassment, and Bullying (excluding cyberbullying)** (*District Policy Manual 5303, 5312*): a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property. Such conduct shall include, but not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- b. Cyberbullying:** is defined as harassment or bullying that occurs through any form of electronic communication, including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.
- 6. Bomb Threat** (*District Policy Manual 8133, 8133-R, 8133-E*): a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.
- 7. False Alarm:** causing a fire alarm or other disaster alarm to be activated knowing there is no danger or, through false reporting of a fire or disaster.

8. **Use, Possession, or Sale of Drugs:** illegally using, possessing or being under the influence of a controlled substance or marijuana on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.
9. **Use, Possession, or Sale of Alcohol:** illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

## **XVIII. APPENDIX: STUDENTS RIGHT AND RESPONSIBILITIES** (*District Policy Manual 5311.6*)

“Children are taught a host of lessons about values, ethics, morality, character and conduct every day of the week, less by the content of the curriculum than by the ways schools are organized, the ways teachers and parents behave, the way they talk to children and to each other, the kinds of behavior they approve and reward and the kinds they disapprove and punish,” (Charles Silberman, *Crisis in the Classroom*, 1970). With this premise in mind, and guided by the desire to make school a humane institution for the promotion of learning, the following Student Bill of Rights and Responsibilities is prepared.

The Rush-Henrietta School District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all Rush-Henrietta students have the right to:

### **A. Article I - FAIR TREATMENT**

The Board of Education, its officers, and employees recognize the rights of all students to be treated equally and fairly, so that no student shall be discriminated against on the basis of race, color, national origin, ancestry, creed, religion, marital status, gender, sexual orientation, age, or disability in the areas of freedom of expression, personal rights, and access to school programs.

### **B. Article II - RIGHT TO STUDENT REPRESENTATION**

1. In the senior high school, an elected representative student government shall be established with offices open to all full-time students currently enrolled in that school. Maximum student participation shall be encouraged. Students with an incomplete in any course may run for elective office, but may not serve in such office unless and until the incomplete is rectified. Currently enrolled students shall be allowed to vote in student government elections, according to regulations in the Student Council Constitution.
2. All candidates for any school office shall be allowed to wage a fair campaign for such office. Campaign time and designated school facilities shall be made available to candidates on an equal basis. Such time and school facilities shall be determined jointly by the Building Principal or his/her representative and a committee of the Student Council.



3. The student government shall have the power to allocate student government funds, subject to established audit controls and established bylaws of the Board of Education. Extracurricular activities shall be conducted under guidelines established by the student government and the Principal.
4. During each school year, a Shared Decision Making (SDM) Committee shall be formed to consider and recommend any revision necessary to the school rules.

### **C. Article III - RIGHT TO FREEDOM OF EXPRESSION**

1. Students may exercise their constitutionally protected rights of free speech and press, as long as they do not disrupt or interfere with the operation of the regular school program.
2. District Policies #5220 and #5312 shall be observed as well as other applicable policies.
3. Student Organization
  - Students may form political, social and educational organizations (including those which champion unpopular causes) within the school. These organizations, however, must be open to all students and shall have a set of bylaws approved by the student government in consultation with the Principal. These bylaws shall not be in conflict with an established guideline of the Board of Education or the constitution of the student government; shall provide for a faculty advisor; shall provide for a roster of officers on file with the student government; shall set forth membership qualifications which do not exclude students on the basis of race, color, creed, or political belief. The Principal has the right to suspend the operation of any student organization if its activities are deemed to be detrimental to the welfare or safety of the school, or if it operates in violation of established rules or bylaws.
  - Such student organizations shall have equitable access to those school facilities designated by the school administration.
  - Except for positions for which there is extra compensation, student organizations are entitled to faculty advisors of their own selection, provided that the teacher agrees to serve. Paid faculty advisors will not be appointed by the Building Principal until consultation with the student organization involved has occurred.
  - Student organizations are encouraged to plan and carry out forums, seminars, and other programs. Such activities, if part of the school program during the school day, are subject to the approval of the Principal. When conducted after school hours, such activities shall have the same rights and responsibilities as any group using school facilities, including the responsibility for providing appropriate arrangements for supervision.
4. Bulletin Boards, Posters and Distribution (*District Policy Manual 1510, 1511, 5220, 5311.6, 5312*)
  - The Principal shall designate certain areas to be used for bulletins or posters of recognized Board-approved student organizations. A prominently placed bulletin board shall be designated for notices relating to out-of-school activities or matters of general interest which a student or group of students wish to post. The manner of posting of student campaign posters shall be governed by rules adopted by the student government and the Principal.

- All posters for school sponsored or non-school sponsored events shall be presented for approval to the Principal or designated administrator.
- The criteria required for all posters include a clear listing of the following pertinent information:
  - Who:** Name of sponsoring club and individual and name/phone number of contact person
  - When:** Date and time of event
  - Where:** Location of event
  - What:** Description of event
- Posters will be screened by the administrator. Obscene content or content which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school will not be permitted. Those posters approved can be displayed in the designated area. The requested material shall be stamped approved within two school days and posted or the submitting student or group will be notified of its disapproval and the reason for such disapproval. Upon request, the Principal shall meet promptly with the involved student or students to review the decision to disapprove the material for posting. If the Principal does not approve the material for posting, the student or students may then appeal the determination as provided in *Article XIII: GRIEVANCE PROCEDURE*.
- Approved school sponsored events or postings may be posted in all academic and nonacademic areas. Non-school sponsored events or postings may have one example posted on the designated bulletin board. (Additional information and/or leaflets that accompany non-school events may be left in the main office for students to access.) New postings may not interfere with or cover up others' postings, display cases, or other examples of student information.
- All groups are responsible for the removal of outdated postings. Posting time span expires on the day after the event.

## 5. Distribution of Literature

- Students have the right to distribute literature on school grounds and in school buildings, provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the Building Principal or designee. Literature that contains only religious content shall be presumed proper for this purpose. This distribution rule applies to both school and non-school literature. The distribution of literature with obscene content or substance which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school will not be permitted. The material shall not be approved for distribution and the submitting student or group will be notified of its disapproval, and the reason for such disapproval. Upon request, the Principal shall meet promptly with the involved student or group of students to review the decision to disapprove the material for distribution. If the Principal does not approve the material for distribution, the student or students may then appeal the determination as provided in *Article XIII: GRIEVANCE PROCEDURE*.
- The individual distribution of leaflets/written material is allowed on a person-to-person basis, assuming that the receiving individual willingly accepts.

- Distributing individuals may request a table with which to distribute approved materials.
- Leaflets/written materials may not be placed in any personal spaces: mailboxes, desks, back packs, notebooks, body, etc.
- Personal distribution of written materials/leaflets may not take place in a manner that disrupts instruction or which would materially and substantially interfere with the requirements of appropriate school discipline in the operation of the school.
- Persons distributing material, as well as those accepting the literature, are responsible for proper disposal thereof so as to avoid littering the school or grounds.
- Flag Salute: Pledge of Allegiance. Students must observe District Policy #4311.1 regarding the Pledge of Allegiance.

***D. Article IV - PERSONAL APPEARANCE***

In conformity with the rulings of the New York State Commissioner of Education and court decisions, students may determine their own dress; except for graduating seniors, where cap and gowns are required for participation in commencement exercises, and where such dress is hazardous or is distracting and interferes with the education process.

***E. Article V - DISCIPLINARY ACTIONS & SUSPENSIONS***

Rules and regulations governing disciplinary actions and suspensions are set forth in the Student Code of Conduct.

***F. Article VI -SEARCH OF STUDENT LOCKERS & INTERROGATION OF STUDENTS BY LAW ENFORCEMENT AUTHORITIES (District Policy Manual 5330)***

Searches of student lockers may be made by school officials in accordance with District Policy #5330. Although the locker is assigned to the student, it remains the property of the school and is under the jurisdiction of the school authorities. Searches shall be made in the student’s presence, where possible. Except in cases involving a concern for health and safety or if there is reason to believe that prohibited or illegal articles are stored there, school officials shall not open student’s assigned lockers.

Interrogation of students by law enforcement authorities shall be governed by those procedures outlined in the Student Handbook.

***G. Article VII-RIGHT TO ADEQUATE COUNSELING***

Students shall have the right to adequate social counseling in the school, or the students shall be referred to reliable community organizations for such counseling.

***H. Article VIII - SCHOOL RECORDS***

The student, with his/her parents, has the right to inspect all of the student’s school records, with the presence of qualified, certificated personnel.

***I. Article IX - STUDENT PREGNANCY***

Students who are pregnant have the right to remain in the regular school program as long as physically possible as determined by the student's physician, the district's nurse practitioner, and the Building Principal.

***J. Article X - RIGHT TO REMAIN SILENT***

Students have the right to remain silent when charged with an offense until the parents and/or legal advisor are present.

***K. Article XI - DIPLOMAS & GRADUATION***

School officials have no legal authority to withhold a student's diploma if the student has successfully completed the required course of study. A student's diploma cannot be withheld because of an attitude or political activity that does not violate school rules.

***L. Article XII - RULES OF THE SCHOOL***

Students shall receive annually, upon the opening of school, a Student Code of Conduct setting forth the rules and regulations governing the operation of the school. This publication shall also contain a statement of students' rights and responsibilities. Students shall also be made aware of and abide by those rules and regulations stated in the daily bulletin or announced over the public address system.

***M. Article XIII - GRIEVANCE PROCEDURE***

In the event of an alleged grievance claimed by a student involving rights specified in this Bill of Rights and Responsibilities, the following procedure should be followed:

1. The student shall discuss the alleged grievance with the teacher, staff member, or administrator involved.
2. If the alleged grievance is with a teacher and is not resolved through step 1 or if the student is unable to contact the teacher involved, the school counselor and/or department chairman should be consulted by the student in an attempt to resolve the grievance.
3. If the alleged grievance remains unresolved at the conclusion of step 2, the student should consult with an assistant principal, the Principal, and the Assistant Superintendent for Instruction, in that order, seeking to resolve the alleged grievance at each level.
4. If the alleged grievance remains unresolved at the conclusion of step 3, the student should consult with the Superintendent of Schools.
5. If the alleged grievance remains unresolved at the conclusion of step 4, the student should consult with the Board of Education.
6. If the alleged grievance remains unresolved at the conclusion of step 5, the student may appeal to the Commissioner of Education.

7. An alternative method for resolving an alleged grievance is the grievance committee.
- The make-up of the committee shall be: four students, four teachers, and one administrator (other than the Principal).
  - Members of the committee shall be chosen by lot from among a pool of persons willing to serve in such capacity.
  - All decisions of the committee shall be made by a simple majority.
  - Decisions of the committee shall be implemented by the Principal, unless said decisions violate existing policy of the Board of Education or state or federal law.
  - The student may appeal the decision of the Grievance Committee to the Superintendent of Schools, the Board of Education, and the Commissioner of Education, as governed by specific provisions of the Regulations of the Commissioner of Education.

#### **N. Article XIV - STUDENT RESPONSIBILITIES**

The basic responsibility of a student is to become educated to his fullest ability. This responsibility includes regular school and class attendance, conscientious effort in classroom work, and conformance with school rules and regulations.

It is the responsibility of each student to respect the rights of all who are involved in the educational process.

In exercising their rights, students have an obligation to express their views in an orderly fashion without interfering with the operation of the regular school program and without exerting undue pressure on their fellow students to join or contribute to specific causes or organizations.

No student has the right to interfere with the education or the health, safety, or welfare of his fellow students and the school staff by the use of violence, force, coercion, threat, intimidation, or fear.

No student has the right to destroy, deface, or otherwise deliberately cause damage to school property.

Students should accept responsibility for encouraging the exercise of good school citizenship by fellow students.

It is the responsibility of the student, with the school officials and staff, to create a harmonious atmosphere throughout the school.<sup>4</sup>

#### **O. Article XV- THE RIGHTS OF 18 YEAR OLDS (District Policy Manual 5311.6)**

State and federal laws grant adult rights to students who are 18 or older. We urge students to exercise the following rights by consulting with their parents.

If a student is 18, he/she may:

1. Sign their absence excuses. (They will, however, be verified with the parent/guardian.)
2. Sign their permission slips to participate in athletic programs, field trips, and other school events.
3. Review their official school records.

The school record includes information pertinent to the student's education and activities. The record is stored in the Counseling Center.

Review: The parent or student, if they are 18, can ask for corrections or deletions of information in their record.

Hearing: If the request for change is denied, the parents or student, if 18, may ask for a hearing to challenge the contents for the record; to determine that the record is accurate, not misleading or in violation of student privacy or other rights; to correct or remove inaccurate, misleading, or inappropriate data.

All students, under and over 18, must obey school rules and regulations. Students are responsible for their attendance and conduct in school.

Reference: *Tinker vs. DesMoines School District* 393 U.S. 504 (1969)  
*Lander, et al vs. Rush-Henrietta Central School District*

Cross ref:     **0100** Equal Opportunity  
                  **0150** Sexual Harassment  
                  **0160** Intimidation Prevention  
                  **1110** Publications, Printed And Electronic  
                  **1520** Public Conduct On School Property  
                  **1521** Civility  
                  **1530** Smoking On School Premises  
                  **1532** Dangerous Weapons In School  
                  **1535** Drug, Alcohol And Tobacco Use  
                  **4311** Display And Salute Of The Flag  
                  **4312** Religion In Schools  
                  **5000** Series of Policies Regarding Students  
                  **5303** Intimidation, Harassment, And Bullying Prevention  
                  **5312** Prohibited Student Conduct  
                  **5330** Student Searches and Interrogations

*Adopted as Board of Education Resolution: September, 1972*  
*Adopted as Policy with Revisions: June 23, 2000*

*Revised: June 26, 2018*