

# Hudson City School District



## **Code of Conduct** **2012-2013**

## Table of Contents

Introduction and Mission Statement	3
Dissemination and Review	3
Student Rights and Responsibilities	4
Essential Partners	5
Reporting Violations	7
Alternative Discipline	8
Disciplinary Penalties, Procedures and Referrals	8
Penalties	9
Procedures and Due Process	10
Detention	10
Suspension from Transportation	11
Suspension from Athletic Participation, Extracurricular Activities and Other Privileges	11
In School Suspension	11
Teacher Disciplinary Removal of Disruptive Students	12
Suspension from School	13
Short-Term Suspension	14
Long-Term Suspension	15
Minimum Periods of Suspension	15
Students Who Bring a Weapon to School	15
Students Who Commit Violent Acts Other Than Bringing a Weapon to School	16
Students Who are Repeatedly Substantially Disruptive of the Education Process or Repeatedly Substantially Interferes with the Teacher's Authority over the Classroom	16
Referrals to Outside Agencies	17
Prohibited Student Conduct/Related Policies and Range of Responses	17
Student Dress Code	18
Bullying, Harassment and Intimidation	19
Use of Cell Phones and Other Electronic Communication Devices	19
Student and Community Safety and Well-Being	21
Range of Consequences	23
Illegal Behaviors Which Endanger the Welfare of the School Community	23
Alcohol, Drugs (Illegal or Prescription) and Tobacco	24
Possession or Use of Inappropriate Items	24
Violent or Substantially Disruptive Behavior; Bullying/Harassment/Intimidation	25
Parking/Traffic Violation	25
Use of Rollerblades, All-Terrain Vehicles or Skateboards	26
Loitering	26
Ethical Behavior/Respect for Property and Others	26
Property and Others	26
Academic Integrity	27
Respect/Destruction of Property	27
Cafeteria Cleanliness and Conduct	27

Staff Directives/Insubordination	28
Profanity/Obscene Language/Disruptive or Disrespectful Behavior	28
Public Displays of Affection	28
Regular School/Class Attendance	29
Arrival to School	29
Arrival to Class	29
Class/School Attendance	30
Closed Campus	30
Corporal Punishment	31
Student Searches and Interrogation	31
Student Lockers, Desks and Other School Storage Places	32
Personal Searches	32
Police Involvement in Searches and Interrogation of Students	32
Child Protective Services Investigations	32
Visitors to Schools	33
Public Conduct on School Property	33
Prohibited Conduct	34
Penalties	34
Enforcement	35
Discipline of Students with Disabilities	35
Definitions	39

## **Introduction and Mission Statement**

The 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 mission of the Hudson City School District is to ensure that all students are self-motivated, critical thinkers committed to lifelong learning and possessing the knowledge and skills essential to shape their future and thrive in the changing interdependent world by uniting the resources of the school, family, community and world to implement learning prescriptions which reflect the talents and aspirations of each student.

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the six pillars of character: respect, responsibility, fairness, trustworthiness, caring and citizenship plus pride and safety.

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 and fairly. To this end, the Board adopts this code of conduct (“code”).

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

## **Dissemination and Review**

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

- Providing an overview of the Code of Conduct for all students at the building-level during the first week of school.
- Making electronic copies available to all students, parents/guardians, faculty/staff and community members via the district website.
- Making paper copies available in the Main Office and Library of each building.
- Providing a “plain language” version of the Code to each district family.

The board encourages an in-service program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

A Code of Conduct Advisory Committee will review the code and the district’s response to code of conduct violations and propose revisions as deemed necessary. In an effort to conduct a fair review the district will pilot a year-end Referral Review to determine adherence, consistency and fairness in the district’s response to code of conduct violations. The board of education will review and approve these revisions on an annual basis, as appropriate.

The adoption of revisions to the code will occur in public session on an annual basis.

The code of conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## Student Rights and Responsibilities

The aim of the school district is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities which stimulate and challenge the student's interests and abilities to his/her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner and does not infringe upon the rights of others.

The Board of Education assures that district students shall have all the rights afforded them by federal and state constitutions and statutes. The District recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

It shall be the right of each district STUDENT to:	All district STUDENTS have the responsibility to:
<ul style="list-style-type: none"> <li>• attend a school that is a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus, and/or a school function.</li> </ul>	<ul style="list-style-type: none"> <li>• contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.</li> </ul>
<ul style="list-style-type: none"> <li>• always be treated with respect by other students, faculty and staff, and school personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• be familiar with and abide by all district policies, rules and regulations dealing with student conduct.</li> </ul>
<ul style="list-style-type: none"> <li>• actively participate and take part in a rigorous school program that is aimed at preparing students for career and college readiness in the 21st century.</li> </ul>	<ul style="list-style-type: none"> <li>• attend school every day unless they are legally excused and be in class, on time, and prepared to learn.</li> </ul>
<ul style="list-style-type: none"> <li>• take part in all district activities on an equal basis regardless of race, color, creed, gender, national origin, disability, religion, or sexual orientation.</li> </ul>	<ul style="list-style-type: none"> <li>• work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible</li> </ul>
<ul style="list-style-type: none"> <li>• have school rules and conditions available for review and, whenever necessary, an explanation by school personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• react to direction given by teachers, administrators and other school personnel in a respectful, positive manner.</li> </ul>
<ul style="list-style-type: none"> <li>• in all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.</li> </ul>	<ul style="list-style-type: none"> <li>• work to develop mechanisms to control their anger.</li> </ul>
<ul style="list-style-type: none"> <li>• be suspended from instruction only after his/her rights pursuant to Education Law§3214 have been observed.</li> </ul>	<ul style="list-style-type: none"> <li>• ask questions when they do not understand.</li> </ul>
<ul style="list-style-type: none"> <li>• to attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law.</li> </ul>	<ul style="list-style-type: none"> <li>• seek help in solving problems that might lead to discipline.</li> </ul>
	<ul style="list-style-type: none"> <li>• accept responsibility for their actions.</li> </ul>
	<ul style="list-style-type: none"> <li>• conduct themselves as representatives of the district when participating in or attending school functions and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.</li> </ul>

## Essential Partners:

The Board and District recognize the importance of developing positive and supportive relationships with all stakeholders in the educational process. The success of our students is incumbent upon the collective responsibility of everyone within the school community. With this in mind, it is important that each stakeholder assist in the following ways:

All PARENTS are expected to:	All district TEACHERS are expected to
<ul style="list-style-type: none"> <li>• recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.</li> </ul>	<ul style="list-style-type: none"> <li>• maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn</li> </ul>
<ul style="list-style-type: none"> <li>• send their children to school ready to participate and learn.</li> </ul>	<ul style="list-style-type: none"> <li>• be prepared to teach.</li> </ul>
<ul style="list-style-type: none"> <li>• ensure their children attend school regularly and on time.</li> </ul>	<ul style="list-style-type: none"> <li>• demonstrate interest in teaching and concern for student achievement.</li> </ul>
<ul style="list-style-type: none"> <li>• ensure absences are excused.</li> </ul>	<ul style="list-style-type: none"> <li>• know school policies and rules, and enforce them in a fair and consistent manner.</li> </ul>
<ul style="list-style-type: none"> <li>• insist their children be dressed and groomed in a manner consistent with the student dress code.</li> </ul>	<ul style="list-style-type: none"> <li>• communicate to students and parents:                             <ul style="list-style-type: none"> <li>• course objectives and requirements</li> <li>• marking/grading procedures</li> <li>• assignment deadlines</li> <li>• expectations for students</li> <li>• classroom discipline plan</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment</li> </ul>	<ul style="list-style-type: none"> <li>• communicate regularly with students, parents, and other teachers concerning growth and achievement.</li> </ul>
<ul style="list-style-type: none"> <li>• know school rules and help their children understand them.</li> </ul>	<ul style="list-style-type: none"> <li>• dress appropriately and professionally.</li> </ul>

All PARENTS are expected to:	All district GUIDANCE COUNSELORS are expected to:
<ul style="list-style-type: none"> <li>• convey to their children a supportive attitude toward education and the district</li> </ul>	<ul style="list-style-type: none"> <li>• assist students in coping with peer pressure and emerging personal, social, and emotional problems.</li> </ul>
<ul style="list-style-type: none"> <li>• build good relationships with teachers, other parents, and their children's friends</li> </ul>	<ul style="list-style-type: none"> <li>• initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.</li> </ul>
<ul style="list-style-type: none"> <li>• help their children deal effectively with peer pressure.</li> </ul>	<ul style="list-style-type: none"> <li>• regularly review with students their educational progress and career plans.</li> </ul>
<ul style="list-style-type: none"> <li>• inform school officials of changes in the home situation that may affect student conduct or performance.</li> </ul>	<ul style="list-style-type: none"> <li>• provide information to assist students with career planning.</li> </ul>

<ul style="list-style-type: none"> <li>• provide a place for study and ensure homework assignments are completed.</li> </ul>	<ul style="list-style-type: none"> <li>• encourage students to benefit from the curriculum and extracurricular programs.</li> </ul>
<ul style="list-style-type: none"> <li>• dress appropriately when attending school functions.</li> </ul>	<ul style="list-style-type: none"> <li>• dress appropriately and professionally.</li> </ul>

<b>All PRINCIPALS are expected to:</b>	<b>All SCHOOL PERSONNEL are expected to:</b>
<ul style="list-style-type: none"> <li>• assist students in coping with peer pressure and emerging personal, social, and emotional problems.</li> </ul>	<ul style="list-style-type: none"> <li>• maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn</li> </ul>
<ul style="list-style-type: none"> <li>• ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for resolution of a problem</li> </ul>	<ul style="list-style-type: none"> <li>• communicate to students and parents about course objectives and requirements, marking/grading procedures, assignment deadlines, expectations for students, and classroom discipline plan, where it is appropriate for such support staff to do so.</li> </ul>
<ul style="list-style-type: none"> <li>• evaluate on a regular basis all instructional programs</li> </ul>	<ul style="list-style-type: none"> <li>• communicate regularly with students, parents and other teachers concerning growth and achievement, when appropriate.</li> </ul>
<ul style="list-style-type: none"> <li>• support the development of and student participation in appropriate extracurricular activities.</li> </ul>	<ul style="list-style-type: none"> <li>• promote a safe, orderly and stimulating school environment, supporting active teaching and learning.</li> </ul>
<ul style="list-style-type: none"> <li>• be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly</li> </ul>	<ul style="list-style-type: none"> <li>• know school policies and rules while working with district administrators in enforcing the Code of Conduct.</li> </ul>
<ul style="list-style-type: none"> <li>• dress appropriately and professionally.</li> </ul>	<ul style="list-style-type: none"> <li>• dress appropriately and professionally.</li> </ul>

<b>All BOARD MEMBERS are expected to:</b>	<b>The SUPERINTENDENT is expected to:</b>
<ul style="list-style-type: none"> <li>• collaborate with student, teacher, administrator, and parent organization, 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.</li> </ul>	<ul style="list-style-type: none"> <li>• promote a safe, orderly and stimulating school environment for supporting active teaching and learning.</li> </ul>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.</li> </ul>
<ul style="list-style-type: none"> <li>• lead by example by conducting board meetings in a professional, respectful, courteous manner. be responsive to the concerns and needs of all stakeholders. dress appropriately and professionally.</li> </ul>	<ul style="list-style-type: none"> <li>• inform the board about educational trends relating to student discipline.</li> </ul>

	<ul style="list-style-type: none"> <li>work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.</li> </ul>
	<ul style="list-style-type: none"> <li>work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.</li> </ul>
	<ul style="list-style-type: none"> <li>dress appropriately and professionally.</li> </ul>

**Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal’s designee or the superintendent.

All district staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are 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.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

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, followed by any appropriate documentation. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

**Alternative Discipline**

The district promotes age-appropriate alternative forms of discipline to foster a supportive learning environment. Our goal is to teach children how to handle situations differently by giving them the tools necessary to regulate their own behavior, which will enable them to become responsible, contributing members of society. Alternative forms of discipline can only be successful when family and school work together as collaborative partners. Therefore, we will seek family engagement in the discipline process where applicable. Alternative forms of discipline may include, but are not limited to, community service, research projects, assigned mentors, voluntary counseling, and group counseling. Other discipline options will be considered as they become available.

**Disciplinary Penalties, Procedures and Referrals**

The Board of Education believes that each student can reasonably be expected to be responsible for his/her own behavior. The school administration shall oversee the development and dissemination of rules of conduct, focusing

on personal safety and respect for the rights and property of others, to be consistently applied in the classrooms and throughout the school. Students who fail to meet this expected degree of responsibility and violate school rules may be subject to appropriate disciplinary action and more regulated supervision.

Discipline is the positive direction of behavior toward established standards of conduct, fully understood, and based on reason, judgment, and the rights of others. The school, community and parents share the responsibility for helping the student develop self-discipline. If self-discipline fails, disciplinary actions must be imposed to protect the student and to ensure the rights of others.

Discipline is most effective when it deals directly with a problem at the time and place it occurs, and in a way that is viewed as fair and impartial by the student. Therefore, before seeking outside assistance, teachers will first use their best efforts to create a change of behavior in the classroom. In addition, the district encourages adult and peer mentors who can serve as essential partners in the effort to reduce incidents of misconduct and support student social and academic success.

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- the student’s age
- the nature of the offense and the circumstances which led to the offense
- the student’s prior disciplinary record
- the effectiveness of other forms of discipline
- information from parents, teachers, and/or others as appropriate
- other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student’s first violation will usually merit a lighter penalty than subsequent violations. Administration will report students to the Superintendent of Schools when they believe such a student presents a severe discipline problem unable to be resolved at the building level.

The Superintendent will conduct an investigation of the reports, which may include conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as he or she deems appropriate for the early identification and resolution of the suspected problem.

**Penalties**

The range of responses which may be imposed for violations of the student disciplinary code includes, but may not be limited to, the following:

Verbal Warning	Suspension from extracurricular or athletic participation
Parent Contact or Written Notification	Suspension from other privileges
Counseling/Mediation	Exclusion from a particular class
Reprimand	Saturday School
Teacher Detention	Assignment to In School Suspension (ISS)
Lunch Detention	Out of School Suspension (OSS)
Administrative (p.m.) Detention	Long-term suspension (more than 5 days)
Removal from classroom by teacher	Police involvement
Suspension from transportation	Referral to outside agencies
Suspension from cafeteria	Permanent suspension from school
Community service	Financial restitution

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive, i.e., a student’s first violation should merit a lighter penalty than subsequent violations. It is also the Board’s desire that an employee or agent take into account all other relevant factors which may reasonably be

determined in an appropriate penalty. The above penalties may be imposed either alone or in combination. It is understood that some penalties may require the involvement of or permission of the Superintendent of Schools.

This policy and the Board's rules and regulations for the maintenance of public order on school property will be publicized and explained by the teaching staff of all students and provided in writing to all parents on an annual basis. In order to ensure the effectiveness of this student discipline code, the Board requests the continuing assistance of parents in explaining and enforcing the code.

A student handbook will be made available each year for the entire student population.

The student's right to a Superintendent's hearing before a suspension from attendance in excess of five days and the right to an appeal of such a suspension to the Board pursuant to Education Law §3214 is recognized by the Board.

If a criminal offense has been committed (e.g., false alarm, vandalism, drug possession/use, use and possession of weapons) the police will be notified.

All infractions of the student discipline code and/or public law will be subject to disciplinary proceedings as outlined in 5313.3, Suspension and Expulsion.

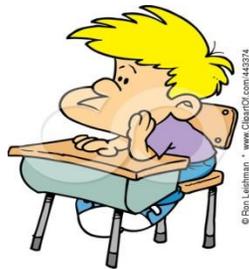
## Procedures and Due Process

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. These additional rights are explained below.

### Detention

Teachers, principals and the superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Administrative (p.m.) detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention. Students age 16 or above will accept responsibility for notification to parents. In all cases written notification will occur.



### **Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their 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 a suspension from attendance, the district will make appropriate arrangements 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 a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

### **Suspension from athletic participation, extracurricular activities and other privileges**

A student subjected to a suspension from athletic participation, extracurricular 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.

### **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 a result of a code of conduct violation in an alternate learning site. The students must have access to a substantially equivalent program. While serving In School Suspension (ISS), students are required to turn in to the Main Office/Discipline Office electronic communication devices and cell phones upon entry.

A student placed in ISS 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.

### **Teacher Disciplinary Removal of Disruptive Students**

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. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. In the case of an elementary classroom the length of the removal is subject to the discretion of the teacher and the building administration, but in no case may exceed two days. If the disruptive 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 or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. A copy of the written referral will be mailed home.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's 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 principal.

### Teacher Disciplinary Removal of Disruptive Students- (continued)

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

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

The principal or his or her 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. 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 is less.

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 keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Removal for an extended period of time may be made only by the building principal and/or the Director of Special Education to assure that such removal does not constitute a change in placement.



### Suspension from School

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, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal 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.

The principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**SHORT-TERM SUSPENSION FROM SCHOOL (five days or less):**

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214, the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents that the student may be suspended from school. The written notice will follow. Where possible notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contact the parents.

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. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses.

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 practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent’s decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

### **LONG-TERM SUSPENSION FROM SCHOOL (more than five days):**

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or 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.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

Permanent Suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### **Minimum Periods of Suspension**

#### **STUDENTS WHO BRING A WEAPON TO SCHOOL:**

Any student 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. A student classified as disabled by the district's Committee on Special Education (CSE) will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA). 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:

1. The student's age
2. The student's grade in school
3. The student's prior disciplinary record
4. The superintendent's belief that other forms of discipline may be more effective
5. Input from parents, teachers and/or others
6. Other extenuating circumstances

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**STUDENTS WHO COMMIT VIOLENT ACTS OTHER THAN BRINGING A WEAPON TO SCHOOL:**

Any student 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. If the proposed penalty is the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parents 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. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. A student classified as disabled by the district’s Committee on Special Education (CSE) will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA).



**STUDENTS WHO ARE REPEATEDLY SUBSTANTIALLY DISRUPTIVE OF THE EDUCATIONAL PROCESS OR REPEATEDLY SUBSTANTIALLY INTERFERES WITH THE TEACHER’S AUTHORITY OVER THE CLASSROOM:**

Any student 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 and have a superintendent’s hearing.

For purposes of this code of conduct, “repeatedly 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) of this code on four or more occasions during a semester.

If the proposed penalty is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short term suspension.

If the proposed penalty exceeds the minimum five days 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. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. Continued infractions will result in a Superintendent’s Hearing and possible removal from school.

A student classified as disabled by the district’s Committee on Special Education (CSE) will be subject to the provisions of the Individuals with Disabilities Education Act (IDEA).

## **Referrals to Outside Agencies**

### **Counseling:**

The Guidance Office or building principal shall handle all referrals of students to counseling.

### **PINS Petition:**

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 16 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law (ref. Board Policy #5100)
- 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 possess marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.
- Knowingly and unlawfully possesses any and all illegal drugs.

### **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 qualified for juvenile offender status under the Criminal Procedure Law §1.20 (42)

## **Prohibited Student Conduct/Related Policies and Range of Responses**

The Board of Education is committed to maintaining a school which provides students and staff with productive, satisfying, and wholesome learning environments. Essentially, this means that relationships are such that students can learn and teachers can teach. Such an environment should allow students to learn behavior patterns which will enable them to be responsible, contributing members of society.

The Board is also committed to protecting First Amendment freedoms within the school system; however, lawlessness in any form will not be tolerated. The school district will not permit students to engage in any conduct intended to destroy personal or school property, disrupt or interfere with teaching, research, service, administrative or disciplinary functions, or any district-sponsored or approved activity.

In order to teach each student how to develop as a responsible citizen within society, the school must clearly define the values and ideals by which personal and group conduct is judged. Toward this end, the school should foster a disciplined environment which will guide each individual in developing a firm code of moral conduct and a respect for the dignity of others.

The Board shall, at various times, approve rules of conduct for students, which shall clearly state the forms of behavior which shall be unacceptable on school property or at school functions.

It shall be the responsibility of the Superintendent of Schools to ensure that all policies regarding student conduct and discipline are uniformly enforced and distributed annually to students, staff, and interested district residents.

The code of conduct is designed to provide for a progressive school response to student behavior issues. The code of conduct recognizes that certain inappropriate behavior is more serious and presents a greater disruption to the educational process.

## **Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. 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 accessories shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely revealing clothing, which in any way exposes any undergarments or cleavage of any kind, are not appropriate. This would include but not be limited to mini-skirts, short shorts (fingertip rule applies), drooping pants, tube/halter tops, etc.
3. Include footwear at all times. Footwear that is deemed a safety hazard will not be allowed.
4. Not include items that are vulgar, obscene, libelous, or denigrate to others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
5. Not include headwear in the school building except for a medical or religious purpose.
6. Not promote and/or endorse the illegal use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Not denote or represent gang affiliation such as bandanas, beads, jewelry or other indicators and/or symbols intended expressly so.

Special occasions such as graduation, concerts, National Honor Society inductions, etc. will require more formal attire. Parents will be notified of specific standards prior to the event.

<b>Response to Violations of Student Dress Code:</b>
<p>Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.</p> <p>Any student who refuses to do so shall be subject to discipline, up to and including assignment to in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline up to and including out-of-school suspension. When appropriate, a referral will be made to the student's counselor for follow-up.</p>

## **Bullying, Harassment and Intimidation:**

The Board of Education recognizes that bullying (including cyber bullying), harassment (sexual or otherwise), and hazing are abusive and at times illegal behavior that harms victims and negatively impacts the school environment by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing bullying, harassment, and hazing in schools is essential to ensure a healthy, non-discriminatory environment in which students can learn and employees can work productively.

The Board is committed to providing an educational environment that promotes respect, dignity, and equality and that is free from all forms of harassment. To this end, the Board condemns and strictly prohibits bullying and/or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender expression, as well as any other characteristic protected by applicable federal, state and/or local law. All forms of bullying and harassment are prohibited on school grounds, school buses, and at all school-sponsored activities and events that take place at locations outside the district.

### **REPORTING COMPLAINTS:**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of bullying, harassment and/or hazing and persons with knowledge of these issues report the matter immediately. In compliance with the Dignity for All Students Act (2012), the Board has appointed a Dignity Act Coordinator in each building, who will be responsible for receiving and initiating prompt investigation of all complaints. For the 2012-2013 school year, those persons are:

Mrs. Joann Lanuto, JLE  
Mrs. Liz Novine, MCSIS  
Mr. Eric Clark, Jr.-Sr. HS

### **INVESTIGATION/RESOLUTION:**

After investigation, the District may seek discipline against any students or staff in violation of the District's policies or law.

All complainants and those who participate in the investigation of a complaint of bullying, harassment and/or hazing have the right to be free from retaliation of any kind. To the extent possible, all complaints will be treated in a confidential manner, though limited disclosure may be necessary to complete a thorough investigation. The complainant will be notified of the outcome of the investigation.

## **Use of Cell Phones and Other Electronic or Communication Devices**

The Hudson City School District recognizes that the use of cell phones and other electronic communication devices is a regular part of the lives of our students and their families. It is important, however, that we work together to balance this with the safety and well-being of all students while on the school campus, as well as insure that we preserve the integrity of our academic and instructional environments.

Prior to 8:00 am and after 2:36 pm students are permitted to use cell phones in the school building, except in the event of an emergency (i.e. fire alarm, evacuation, lock-down).

During the instructional day, students in grades 9-12 may only use cell phones in the following designated areas:

- in the cafeteria, or associated outdoor areas, during the student's assigned lunch period only.
- in the hallways during the change of classes, in so long as the use of the device does not result in a student arriving late to her/his class.

While in the above locations, it is expected that a student will not use a cell phone or other electronic communication device to contact other students who are in an instructional environment.

Cell phone use at the middle school level is restricted to outside of the instructional day.

Cell phones and other electronic communication devices are prohibited from being used in the classrooms, media center, computer labs, or any other learning environment without the explicit permission of the teacher or staff member supervising such area. The supervising staff member for each of the above areas will share with students their expectations with regards to the use of these devices at the beginning of the school year.

Wireless communication devices with photographic capabilities are prohibited from being used for the purpose of taking photographs or recording images during the school day, unless proper authorization has been provided. Students who use such devices to record or take pictures of any argument, fight, or other altercation in the school environment will be subject to disciplinary action, up to and including placement in ISS and/or out-of-school suspension.

Teachers and staff members shall use their discretion to permit students to use cell phones at any time during the school day, under direct supervision, if use of the cell phone is necessary and appropriate.

<b>Response to Violations of Policy for Use of Cell Phones and other Electronic Devices</b>
<p><b>First Offense:</b> Device will be confiscated by the classroom teacher or sent to the main office until the end of the period and teacher will make a parent/guardian contact to inform them of the matter.</p> <p><b>Second Offense:</b> Device will be confiscated by the classroom teacher and turned in to the Main Office. Teacher will assign detention, contact a parent/guardian, and the student will pick item up at the end of the day from a building administrator.</p> <p><b>Thereafter:</b> Device will be confiscated by the classroom teacher, who will make a parent contact and refer the student to a building administrator for follow-up. Item will need to be picked up in the Main Office by a parent/guardian, and student will be subject to progressive discipline at the administrative level, up to and including placement in ALS.</p> <p>The district may modify the response on a case by case basis based upon the individual circumstances of the violation.</p>

## **Student and Community Safety and Well-Being**

### **PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel, and other members of the school community. The Board of Education expects all students to have proper regard for the care of school facilities and equipment.

The best discipline is self-imposed and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board of Education recognizes the need to make its expectations for student conduct while on school property or engaged in 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 or who violate these school rules will be required to accept the penalties for their conduct.

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

- A. Engage in conduct that is disorderly. 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
  - 4. Obstructing vehicular or pedestrian traffic
  - 5. Engaging in any willful act which disrupts the normal operation of the school community
  - 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. Computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy. This may include, but is not limited to a personal handheld devices such as games, hand-held computers, and organizers.
  
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
  - 1. Failing to comply with the directions of a teacher, school administrator, school employee, or other authorized school agent in charge of students or otherwise demonstrating disrespect.
  - 2. Lateness, missing, or leaving school without permission
  - 3. Skipping detention
  
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
  - 1. Failing to comply with the directions of a teacher, school administrator, school employee, or other authorized school agent in charge of students.
  
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
  - 1. Committing an act of violence, as defined in Section II, upon a teacher, administrator, school employee, or other authorized agent or attempting to do so
  - 2. Committing an act of violence, as defined in Section II, upon another student or any person lawfully on school property or attempting to do so

3. Possesses a weapon as defined in Section II.  
Authorized law enforcement of officials are the only persons permitted to have a weapon in their possession while on school property or at a school function
  4. Displaying what appears to be a weapon as noted in the definition of weapon in Section II
  5. Threatening to use any weapon as noted in the definition of weapon in Section II
  6. Damaging or destroying the personal property of a student, teacher, administrator, other district employee, or other authorized school agent on school property, including graffiti or arson
  7. Damaging or destroying school district property
  8. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or (b) results in material or substantial disruption to the education environment.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to school personnel
  2. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function
  3. Discrimination and harassment, which means an intentional act against any student, on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact by verbal threats, intimidation or abuse, of such a severe nature that it:
    - (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional physical well-being; or
    - (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct shall include, but is 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.
  4. Harassment also includes a sufficiently severe action or a 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
  5. 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
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm
  7. 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
  8. Selling, using, or possessing obscene material
  9. Using vulgar or abusive language, cursing, or swearing, or words which may incite another person
  10. In possession of or smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco
  11. The use, possession, sale or gift, of any drug or controlled substance, including marijuana or any instruments for the use of such drug, controlled substance or marijuana, such as a pipe, syringe, or other paraphernalia, or being under the influence of any drug or controlled substance including marijuana, while on school premises (including buildings or grounds) or while in attendance at a school function or school-sponsored function.

Excepted is any drug taken in accordance with a current prescription signed by a physician which is to be taken by that particular student at the time in question.

12. The use, possession, sale, or gift, or being under the influence, of an alcoholic beverage while on school premises (including buildings or grounds) or while in attendance at a school function or school-sponsored function.
  13. Inappropriately using or sharing prescription and over-the-counter drugs
  14. Gambling
  15. Indecent exposure, exposing one's private body parts in a lewd or indecent manner
  16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher
  17. Extortion
  18. Any willful act which disrupts the normal operation of the school community
- F. Engage in misconduct while on a school bus. 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. Excessive noise, pushing, shoving, and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism
  2. Cheating
  3. Copying
  4. Altering records
  5. Assisting another student in any of the above items.

## **RANGE OF CONSEQUENCES**

The range of consequences listed below provides a general framework for operation. They may be modified or tailored to meet the unique circumstances of each incident and individual needs of each student.

### **Illegal behaviors which endanger the welfare of the school community:**

Students are expected to participate in maintaining a safe and orderly environment that is conducive to the academic and personal development of everyone.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"><li>• Possession of a weapon(s), fireworks, or smoke bombs. Possession means having a weapon, as defined by this code, in school, on school grounds, on a school bus, on a field trip, at an</li></ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"><li>• Contact parent/guardian</li><li>• 1 to 5 days out of school suspension, at discretion of investigating administrator</li></ul>
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<p>athletic event, or at any school function.</p> <ul style="list-style-type: none"> <li>• Pulling a fire alarm, making a bomb threat or false 911 emergency call.</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent Hearing, as warranted</li> <li>• Possible one year suspension from school</li> <li>• Police/outside agencies notified, as warranted</li> <li>• Referral to student support services, as warranted</li> <li>• Restriction from athletics/extracurricular</li> </ul>
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**Alcohol, Drugs (Illegal or Prescription), and Tobacco:**

The use, possession, or sale of drugs, paraphernalia, alcohol or tobacco, in accordance with NYS Law, will not be tolerated within the Hudson City School Community.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Sale or distribution of alcoholic beverages and/or drugs, including synthetic cannabinoids</li> <li>• Possession, use, or under the influence of drugs or alcohol</li> <li>• Possession of drug paraphernalia</li> <li>• Use of any tobacco product</li> </ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• 1 to 5 days out of school suspension, at discretion of investigating administrator</li> <li>• Superintendent Hearing, as warranted</li> <li>• Police/outside agencies notified, as warranted</li> <li>• Referral to student support services, as warranted</li> <li>• Restriction from athletics/extracurricular</li> </ul>
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<ul style="list-style-type: none"> <li>• Possession of cigarettes or tobacco products</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated; may be picked up by parent/guardian</li> <li>• Administrative detention assigned</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated; may be picked up by parent/guardian</li> <li>• Referral to student support services</li> <li>• ISS or alternative will be assigned</li> </ul>
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**Possession or use of inappropriate items:**

Students at the Hudson City School District will not bring items into the buildings which are not conducive to the school environment, or create a safety concern.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Possession and/or use of inappropriate objects, including but not limited to matches, lighters, laser pointers, etc.</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated; may be picked up by parent/guardian</li> </ul>
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	<ul style="list-style-type: none"> <li>• Administrative Detention assigned</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated; may be picked up by parent/guardian</li> <li>• Treated as insubordination: ISS or alternative will be assigned</li> </ul>
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**Violent or Substantially Disruptive Behavior; Bullying/Harassment/Intimidation:**

Students in the Hudson school community are expected to treat others with respect at all times.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Violent behavior, including harassment (physical/emotional), intimidation, hazing, bullying, threats of harm, threatening language, assault, fighting, or attempting to incite an incident which compromises the safety of the school environment or students.</li> <li>• Use of slurs related to ethnicity, disability, religion, race, sexual orientation, or physical condition of another and any form of sexual harassment.</li> </ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"> <li>• Investigation of complaint</li> <li>• Contact parent/guardian</li> <li>• Admin Detention, ISS, or 1 to 5 days of out of school suspension, at discretion of the investigating administrator</li> <li>• Superintendent Hearing, as warranted</li> <li>• Police/outside agencies notified, as warranted</li> <li>• Referral to student support services, as warranted</li> <li>• Restriction from athletics/extracurricular</li> </ul>
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**Parking/Traffic Violations:**

Student parking at the high school is a privilege, not a right. Parking is available to seniors and juniors, as space allows. Each student who wishes to park on school property must register the vehicle with the Assistant Principal's Office at the high school and must display the parking tag at all times in a visible manner. Students park on school property at their own risk. The district does not assume liability for an individual's vehicle. By registering the vehicle with the District for parking privileges, the student consents to the car being searched by public officials while on school property.



Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Parking on school grounds without a parking permit</li> <li>• Reckless driving, or ignoring parking violations (parking in someone else's space, in</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• Contact parent/guardian</li> <li>• Possible temporary loss of parking privilege</li> </ul>
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handicapped space, etc.)	<u>Each offense thereafter:</u> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Possible towing of student vehicle, at owner's expense</li> <li>• Possible permanent loss of parking privilege</li> </ul>
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**Use of Rollerblades, All-Terrain Vehicles, or Skateboards:**

The use of the above items is prohibited at all times inside of school buildings and/or on school property.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Use of recreational, all-terrain vehicles and dirt bikes, skateboards or rollerblades on school property</li> </ul>	<u>First offense:</u> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated, as warranted; may be picked up by parent/guardian</li> </ul> <u>Each offense thereafter:</u> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Item(s) confiscated, as warranted; may be picked up by parent/guardian</li> <li>• Police contacted, as warranted</li> <li>• Treated as insubordination; ISS or Admin Detention may be assigned</li> </ul>
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**Loitering:**

Students are expected to remain under the supervision of a teacher and/or coach at all times if remaining in the building after the end of the instructional day. Students are not permitted to wander the building unsupervised.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Remaining in a school building and/or on school grounds while not under the supervision of a teacher/coach or not participating in a supervised activity</li> </ul>	<u>First offense:</u> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Possible restriction of athletic/extracurricular</li> </ul> <u>Each offense thereafter:</u> <ul style="list-style-type: none"> <li>• Contact parent/guardian; police, as warranted</li> <li>• Restriction of athletic/extracurricular</li> <li>• Admin detention or ISS assigned</li> </ul>
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**Ethical Behavior/Respect for Property and Others**

All students and staff within the Hudson City School District have the right to be treated with respect by others and themselves. Respect and ethical behavior are expected of all members of the school community at all times.

The following behavior is not consistent with the values stated above and is, therefore, subject to disciplinary action. Serious and repeated violations may result in more severe consequences, including a referral to the school's Student

Study Team, who will consider a referral to the Court for a Person in Need of Supervision petition or to a human services agency for the purpose of obtaining family support for improved behavior and performance on the part of the student. The range of consequences listed below provides a framework for operation. They may be modified or tailored to meet the unique circumstances and individual needs of each student.

**Academic Integrity:**

It is expected that all students in the Hudson City School District will complete their own academic work to the best of their ability.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Cheating (plagiarism, forgery, copying another’s work, etc.)</li> <li>• Plagiarism is the use of anyone else’s words or ideas without proper citation. This includes, but is not limited to copying all or portions of a paper from the internet or book sources, using a paper of one’s own from another year, or submitting work created by someone else (a student, parent/guardian, etc.) as one’s own</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Teacher contacts parent/guardian</li> <li>• Academic consequence to be determined by teacher (zero may be assigned)</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Teacher contacts parent/guardian</li> <li>• Academic consequence to be determined by teacher (zero may be assigned)</li> <li>• Admin detention and/or ISS may be assigned</li> </ul>
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**Respect/Destruction of Property:**

Students in the Hudson City School District are expected to demonstrate respect towards the property of the school and others within the school community.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Theft</li> <li>• Destruction of property</li> </ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Admin detention, ISS, 1 to 5 days of out of school suspension, at discretion of investigating administrator</li> <li>• Restitution paid, as warranted</li> <li>• Police/outside agencies notified, as warranted</li> <li>• Referral to student support services, as warranted</li> <li>• Restriction of athletics/extracurricular</li> <li>• Community service</li> </ul>
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**Cafeteria Cleanliness and Conduct:**

Students in the Hudson City School District are expected to conduct themselves appropriately in the cafeteria at all times, and clean up after themselves accordingly.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Cafeteria misconduct such as leaving trays or</li> </ul>	<p><u>Each offense:</u></p>
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debris <ul style="list-style-type: none"> <li>• Throwing objects or food</li> </ul>	<ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Possible community service</li> <li>• Lunch detention(s) assigned</li> <li>• ISS or OSS</li> </ul>
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**Staff Directives/Insubordination:**

It is expected that students in the Hudson City Schools will follow the reasonable directives of faculty, staff, and administrators in the execution of their professional roles within the school community.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Insubordination/disobedient behavior (refusing to follow a reasonable directive by a staff person)</li> </ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Teacher assigned detention</li> <li>• Admin detention, ISS, or 1 to 5 days out of school suspension, at the discretion of the investigating administrator</li> <li>• Referral to student support services</li> <li>• Restriction from athletics/extracurricular</li> </ul>
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**Profanity/Obscene Language/Disruptive or Disrespectful Behavior:**

Students within the Hudson City school community are expected to be orderly and well-mannered in their conduct at school. The use of profane language, directed at anyone (student or staff) is not acceptable.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Inappropriate language (obscene, profane, vulgar, abusive, etc) and gestures</li> <li>• Behavior that is disruptive to the educational process/environment</li> <li>• Disrespectful behavior</li> <li>• Substantial disruption to the educational process or interference with the teacher's authority over the classroom</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Teacher detention</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Teacher detention(s), Admin detention(s), ISS, 1 to 5 days out of school suspension, or Superintendent's Hearing, at discretion of the investigating administrator</li> <li>• Possible "Official Removal from Class" as per SAVE school legislation.</li> <li>• Restriction from athletics/extracurricular</li> </ul>
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**Public Displays of Affection:**

Students and staff are expected to refrain from public displays of affection while in the school environment.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Inappropriate displays of affection; hugging, kissing, touching, etc.</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Verbal Warning</li> <li>• Possible contact of parent/guardian</li> </ul>
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	<p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Will be treated as insubordination</li> </ul>
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**Regular School/Class Attendance**

Regular attendance and prompt arrival to the instructional environment within the school is critical to the academic success of each student in the Hudson City Schools. Students are expected to attend school every day, as well as to be to school, and to each of their individual classes, on time each day.

The following behavior is not consistent with the values stated above and is, therefore, subject to disciplinary action. Serious and repeated violations may result in more severe consequences, including a referral to the school’s Student Study Team, who will consider a referral to the Court for a Person in Need of Supervision petition or to a human services agency for the purpose of obtaining family support for improved behavior and performance on the part of the student. The range of consequences listed below provides a framework for operation. They may be modified or tailored to meet the unique circumstances and individual needs of each student.

**Arrival to School:**

Students are expected to arrive to school on time. Students are expected to be in their classroom and ready to engage in valuable instruction at the start of the school day.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Unexcused tardy to school; and subsequent late arrival to Period 1 class</li> </ul>	<p><u>Each offense:</u></p> <ul style="list-style-type: none"> <li>• Student signs in late to school in the attendance office.</li> <li>• Student is assigned to lunch detention for the same day.</li> <li>• Student receives a late admit pass to class, which is to be given to the classroom teacher.</li> <li>• Upon arrival to class, classroom teacher may assign a classroom-level consequence</li> <li>• Repeated offenses may result in parent meeting with building officials and/or driving privileges being revoked.</li> </ul>
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**Arrival to Class:**

Students are expected to arrive to each of their assigned classes on time throughout the course of the instructional day. This means that students will be in class and ready to engage in valuable instruction at the time that the bell rings.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Unexcused tardy to class</li> </ul>	<p><u>First four offenses:</u></p> <ul style="list-style-type: none"> <li>• Teacher contacts parent/guardian</li> <li>• Teacher level consequence assigned at their discretion</li> </ul>
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	<p><u>Fifth offense:</u></p> <ul style="list-style-type: none"> <li>• Referral to administrator made</li> <li>• Administrator will contact parent or guardian</li> <li>• Administrator level consequence assigned</li> </ul> <p><u>Tenth offense:</u></p> <ul style="list-style-type: none"> <li>• Referral to administrator made</li> <li>• Administrator will contact parent or guardian</li> <li>• PM Detention assigned</li> </ul> <p><u>Fifteenth offense:</u></p> <ul style="list-style-type: none"> <li>• Referral to administrator made</li> <li>• Administrator will contact parent or guardian</li> <li>• Extended PM or Saturday school</li> </ul>
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**Class/School Attendance:**

It is expected that all students in the Hudson City Schools will attend the classes to which they are assigned.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Skipping/Cutting class (an arrival greater than 10 minutes late to any class, or a complete illegal absence from any class)</li> <li>• Truancy (skipping school)</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Administrator will contact parent/guardian</li> <li>• Administrator level consequence assigned</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Administrator contacts parent/guardian</li> <li>• Administrator level consequence assigned (1 PM detention, 2 PM detentions, 2 days ISS)</li> <li>• Referral to school counselor, and/or PINS</li> </ul>
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**Closed Campus:**

For the safety of our students, the Hudson City School District maintains a closed campus throughout the instructional day. It is expected that once students arrive to campus, either by bus or car, they will remain in their building and on campus until dismissal. Students and seniors with privileges may only leave the building or campus by following the proper sign-out procedures in the Attendance Office, requiring parental permission.

Examples of violations and corresponding consequences may include, but are not limited to:

<ul style="list-style-type: none"> <li>• Leaving the school building/grounds without permission</li> </ul>	<p><u>First offense:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Admin detention assigned</li> </ul> <p><u>Each offense thereafter:</u></p> <ul style="list-style-type: none"> <li>• Contact parent/guardian</li> <li>• Admin detention/ISS assigned</li> <li>• Restriction of athletics/extracurricular</li> <li>• Possible loss of parking privileges</li> </ul>
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## **Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee 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:

1. Protect oneself, another student, teacher or any person from physical injury
2. Protect the property of the school or others
3. 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.

## **Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse, and others who may be designated by the superintendent or building principal to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

It is the responsibility of the school to maintain a safe and orderly environment for its students and staff. When it is deemed by school officials that there is a reasonable suspicion that a situation may be potentially unsafe, the school reserves the right to search students, lockers, book bags, purses, cars, and computer files. It is the intent not to violate one's privacy but rather to ensure a safe and orderly environment for all students and staff.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

## **Student Lockers, Desks, and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other schools storage places. Students have no reasonable expectation of privacy with respect to these

places and school officials retain complete control over them. This means that student lockers, desks, computer files, and other school storage places may be subject to search at any time by school officials without prior notice to students and without their consent. The Board of Education has also authorized the intermittent use of a drug-sniffing dog.

## **Personal Searches**

A personal search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Whenever possible, the authorized school official shall notify the superintendent prior to conducting a personal search.

Personal searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

Because a personal search is the most intrusive type of search authorized in the school setting, the school official must have a high level of reasonable suspicion that the student will in a personal search be concealing evidence of a violation of law or the district code. In addition, before conducting a personal search, the school official must consider the nature of the alleged violation, the student's age, the student's records and the need for such a search.

In personal searches the student will remove or loosen his/her own clothing. School officials will attempt to notify the student's parent by telephone before conducting a personal search, or in writing after the fact if the parent could not be reached by telephone.

## **Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work.

Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant
2. Probable cause to believe a crime has been committed on school property or at a school function
3. Been invited by school officials

## **Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. All school officials are mandated reporters and, as such, are required to report suspected cases of child abuse or neglect.

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **Visitors to the Schools**

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school, sign in on the visitor's log and show positive identification (e.g. drivers' license). A visitor's badge will be issued only when a drivers' license or an item of equivalent value (e.g. keys, cell phone) is exchanged for the badge. The visitor's badge must be prominently displayed on their person at all times on school property during the course of their duties. The visitor must return the identification badge to the principal's office before leaving the building, sign out on the visitor's log, and receive their collateral property.
3. Visitor's who do not comply with the district's requirement for identification shall be asked to leave school grounds.
4. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher, so that class disruption is kept to a minimum.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct, including appropriate attire.

## **Public Conduct on School Property**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an 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.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

## 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 a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. disrupt the orderly conduct of classes, school programs or other school activities.
4. distribute or wear materials on school grounds or at school functions 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 or disability.
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 substances, or be under the influence of either on school property or at a school function.
10. possess or use of weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. loiter on or about school property.
12. gamble illegally on school property or at school functions.
13. refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. willfully incite others to commit any of the acts prohibited by this code.
15. smoke or use tobacco products on school property.
16. violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

## Penalties

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

Visitors	Their 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. If they refuse to leave, they shall be subject to ejection. The visitor's right to attend future school functions may also be limited.
Students	They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
Tenured faculty members	They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
Staff members in the classified service of the civil service.	They shall be entitled to the protection of Civil Service Law §75 or any other legal rights that they may have.
Staff members other than those described above	They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

Where it is reported to the building principal or his or her designee that an individual has engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above as a guide. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## Discipline of Students with Disabilities

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.

### A. Authorized Suspensions or Removals of Students with Disabilities

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

A "**suspension**" means a suspension pursuant to Education Law §3214.

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 herself or others.

An "**IAES**" means a temporary educational 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 individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- The board, the district (BOCES) superintendent of schools or a 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.

- 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 subparagraph (a) above 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.
- 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.
- The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (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 or solicits the sale of a controlled substance while at school or a school function.

**“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. §930 (g) (w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except . . .(for) a pocket knife with a blade of less than 2 1/2 inches in length.”

**“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

**“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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 or her current educational placement poses a risk of harm to the student or others

## **B. Change of Placement Rule**

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- for more than 10 consecutive school days
- 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 suspension 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 Committee on Special Education shall:

- Conduct functional behavioral assessments to determine why a student engages in a 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 and who has been suspended or removed from his or her current educational 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 behavioral 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 plan and its implementation, to the extent the committee determines necessary.
- 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 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, but 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 their 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 building 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 the student was a student with a disability, the district either:

- conducted an individual evaluation and determined that the student is not a student with a disability, or
- 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 a 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 procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with 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 bifurcated into a guilt phase and a 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**

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

- 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 or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- The parent request 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 days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or 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 regulations:

- 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 disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

**Definitions**

For purposes of this code, the following definitions apply:

**“Disruptive student”** means an elementary or secondary student the age of 21 or under who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

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

**“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.

**“School function”** means any school-sponsored extracurricular event or activity, field trips, sporting events, whether on or off the Hudson City school campus.

**“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]). **“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees , directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

**“Sexual orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

**“Gender”** means actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

**“Harassment”** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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 (Education Law §11[7]).

**“Violent student”** means a student the age of 21 or under who:

- Threatens or commits an act of violence against a school employee, or attempts to do so.
- Threatens or 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.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon
- Knowingly and intentionally damages or destroys the personal property of any school employee, or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

**“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 when used to cause physical injury or death.

**“In School Suspension”** or **"ISS"** is defined to be a separate location in the school where students are isolated from the general population but still receives a substantially equivalent education.

**"Out of School Suspension"** or **"OSS"** bans the student from being on school grounds for a defined period.