



**Homer Central School District**

**Code  
of  
Conduct**

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# **CODE OF CONDUCT**

## **I. INTRODUCTION**

The Homer Central School District Board of Education ("Board") is committed to providing a safe and orderly learning environment where students may receive and Homer Central School personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other Homer Central School personnel, parents and other visitors is essential to achieving this goal.

Homer Central School has a long-standing set of expectations for conduct on school property and at its functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, integrity, and the belief in the educational goals of the organization. The Board recognizes the need to define clearly these expectations for acceptable conduct on Homer Central School property, to identify the possible consequences of unacceptable behavior, 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 staff, parents, and other visitors when on Homer Central School property or attending a Homer Central School function.

## II. DEFINITIONS

For purposes of this code, the following definitions apply.

“Staff” means any paid or unpaid individual charged with the instruction or supervision of students, or serving in an approved capacity while on school property or while attending a Homer Central School function.

“Administrator” includes any of the following:

- Building principal
- Building vice principal
- Program director
- District administrator
- Superintendent

“Disruptive student” means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

“Parent” means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

“Homer Central School property” means property both tangible and intangible in or within any building, structure, play area, parking lot or land contained within the real property boundary line of an Homer Central School facility, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.5

“Homer Central School function” means any Homer Central School-sponsored extra-curricular event or activity.

“Violent student” means a student under the age of 21 who may be described by any of the clauses below:

1. Commits or threatens to commit an act of violence upon a Homer Central School staff member
2. Commits or threatens to commit an act of violence upon another student or any other person lawfully on Homer Central School property or at a Homer Central School function while on Homer Central School property or at a Homer Central School function
3. Possesses a weapon while on Homer Central School property or at a Homer Central School function
4. Displays what appears to a reasonable person to be a weapon while on Homer Central School property or at a Homer Central School function
5. Threatens to use a weapon while on Homer Central School property or at a Homer Central School function
6. Damages or destroys the personal property of any Homer Central School staff member or of any person lawfully on Homer Central School property or at a Homer Central School function
7. Damages or destroys Homer Central School 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, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, 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 serious physical injury or death when used as a weapon.

"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 substances" include but are not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs" or implements designed for use of any of the foregoing,

“Unsafe” means a situation or circumstance that causes increased risk that someone might be hurt or harmed.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. STUDENT RIGHTS**

Homer Central School is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all Homer Central School students have the right to:

1. A safe, healthy, orderly and civil learning environment.
2. Take part in all Homer Central School activities on an equal basis regardless of age, race, religion, color, national origin, gender, sexual orientation, or disability.
3. Present their version of the relevant events to Homer Central School staff authorized to discipline students in connection with the events.
4. Access to Homer Central School rules and, when necessary, to receive an explanation of those rules from Homer Central School staff.

#### **B. STUDENT RESPONSIBILITIES**

All Homer Central School students have the responsibility to:

1. Contribute to maintaining a safe and orderly learning environment that is conducive to learning and to show respect to other persons and to property. This includes the use of appropriate language at all times.
2. Be familiar with and abide by all Homer Central School policies, rules and regulations dealing with student conduct.
3. Attend classes every scheduled day unless legally excused, to be on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by Homer Central School staff in a respectful, cooperative manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for class and Homer Central School functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of Homer Central School when participating in or attending Homer Central School-sponsored extracurricular events and to hold themselves to the highest standards of conduct.
12. Report potentially unsafe situations to staff, even if done anonymously.

#### **IV. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS IN EDUCATION**

##### **A. PARENTS**

All parents are expected to:

1. Recognize that the education of their child is a joint responsibility of parents and the educational community.
2. Send their child to educational programs ready to participate and learn.
3. Ensure their child attends class regularly, on time, and that absences are for legal reasons as outlined in the student handbook.
4. Build good relationships with other parents and their child's friends.
5. Insist their child be dressed and groomed in a manner consistent with the student dress code.
6. Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Demonstrate civility and use appropriate language at all times.
8. Know Homer Central School rules and help their child understand them.
9. Convey to their child a supportive attitude toward education and Homer Central School.
10. Enhance relationships with teachers and administrators by participating in school functions such as open house and parent-teacher conferences.
11. Help their child deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Report potentially unsafe situations to a staff member, even if done anonymously.
15. Conduct themselves as representatives of Homer Central School when participating in or attending Homer Central School-sponsored extracurricular events and to hold themselves to the highest standards of conduct.

##### **B. TEACHERS**

All Homer Central School District staff shall conduct themselves in a professional manner, performing all duties in their job descriptions, as applicable, and are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote learning. Professional demeanor will be demonstrated by the use of appropriate language at all times.
2. Be well prepared to teach each day and demonstrate a concern for the educational development and achievement of each student.
3. Know Homer Central School policies and rules, and enforce them in a fair and consistent manner.
4. Communicate the following to students and parents:
  - a. course objectives and requirements
  - b. marking/grading procedures
  - c. assignment deadlines
  - d. expectations for students
  - e. classroom discipline plan
  - f. the importance of attending parent/student conferences and open house
5. Communicate regularly with students, parents and other teachers concerning student growth, achievement, behavior, and well-being.
6. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
7. Dress appropriately for school and Homer Central School functions.
8. Be approachable with any problem by any student, parent, or community member regardless of how large or small.
9. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
10. Attend teacher/student/counselor conferences and parent-teacher/student counselor conferences as a way to solve problems.
11. Regularly review with students their educational progress and encourage students to benefit from the curriculum and extracurricular programs.
12. Report potentially unsafe situations to the appropriate administrator.
13. Maintain appropriate confidentiality concerning students in their charge and share personal information only on a "need to know" basis.
14. Conduct themselves as representatives of Homer Central School when participating in or attending Homer Central School-sponsored extracurricular events and to hold themselves to the highest standards of conduct.

#### C. ADMINISTRATORS

All Administrators are expected to:

1. Ensure that students, staff and parents have the opportunity to communicate regularly with administrators and approach them to review grievances.
2. Evaluate on a regular basis instructional programs for which they have responsibility.
3. Support the development of and student participation in appropriate extracurricular activities.
4. Be responsible for enforcing the code of conduct and ensure that all cases are resolved promptly and fairly.
5. Investigate unsafe situations promptly and take appropriate actions based upon the findings of the investigation.

**D. SUPERINTENDENT**

The Superintendent is expected to:

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Homer Central School Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Report annually to the Board of Education violent incident information submitted to the State.

**E. BOARD OF EDUCATION**

The Board of Education is expected to:

1. Collaborate with students, teachers, administrators, parents, Homer Central School safety staff, and other Homer Central School staff to develop a code of conduct that clearly defines expectations for the conduct of students, Homer Central School staff and visitors on Homer Central School property and at Homer Central School functions.
2. Adopt and review at least once each year the Homer Central School code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

**V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for Homer Central School programs. Students and their parents have the primary responsibility for acceptable student dress and appearance. Homer Central School staff should exemplify and reinforce acceptable attire, and help students develop an understanding of appropriate appearance in the educational setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the instructional process. Building principals shall make determinations of whether individual student's dress is in compliance with the above.
2. Ensure that undergarments are completely covered.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats, visors, or other head coverings in district buildings except for a medical or religious purpose, or where it is part of a uniform during the normal school day.
5. Not include items that are suggestive, vulgar, obscene, defamatory, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation, or disability.
6. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
7. Not include the unauthorized use of pagers, cell phones, personal stereos, hand held video games, and walkie-talkies during regular school hours.
8. Shall not include disruptive or dangerous accessories.

This policy is to be published annually in the school calendar and prior to the start of the school year and reminders are to be sent to parents each year during the month of February .

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. Any student who refuses to do so shall be subject to discipline, up to and including 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.

## **VI. PROHIBITED STUDENT CONDUCT**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, Homer Central School staff and for the care of Homer Central School facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility and consequences for their own behavior. Homer Central School staff who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on Homer Central School property or engaged in a Homer Central School-sponsored 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 may be subject to disciplinary action, up to and including permanent suspension from Homer Central School programs when they:

A. Engage in conduct that is disorderly. Examples of disorderly conduct could 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 Homer Central School community.
6. Trespassing. Students are not permitted in any Homer Central School building, other than the one they regularly attend, without an authorized purpose or permission from the administrator in charge of the building.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:

1. Refusal to comply with the directions of Homer Central School staff or otherwise demonstrating disrespect.
2. Leaving Homer Central School property 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 any Homer Central School staff.
2. Being late for school or class.
3. Being unprepared for class.
4. Public displays of affection.
5. The unauthorized use of pagers, cell phones, personal stereos, hand held video games, and walkie-talkies during regular school hours.

D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, biting, spitting, and scratching) upon a member of the Homer Central School staff.
2. Committing an act of violence (such as hitting, kicking, punching, biting, spitting, and scratching) upon another student or any other person on Homer Central School property or at a Homer Central School function.
3. Possessing a weapon as defined on page 3 of this document.
4. Displaying what appears to be a weapon.
5. Threatening to use a weapon through any means of communication.
6. Damaging or destroying the personal property of any student, staff member, or other person on Homer Central School property, including graffiti or arson.
7. Damaging or destroying school district property.

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 Homer Central School staff.
2. Stealing or destroying the property of other students, Homer Central School staff, or any other person on school property or attending a school function.
3. Acts of bullying or of harassment including sexual harassment as defined in the Homer Central School Policy Manual (#7621).
4. Selling, displaying, or possessing obscene material.
5. Using tobacco in any form.
6. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include but not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike

drugs, and any substances commonly referred to as "designer drugs", or implements designed for use of any of the foregoing.

7. Inappropriately using or sharing prescription and over-the-counter drugs. Student handbooks shall describe procedure for use of prescriptions or over-the-counter drugs in school.
8. Operate a vehicle in an unsafe or reckless fashion.
9. Use of technology to bully or harass others.

F. Engage in misconduct while on a school bus. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the Homer Central School code of conduct.

G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:

1. Plagiarism.
2. Cheating.
3. Altering a grade, or other student record, on paper or in electronic form.

H. Engage in conduct in violation of the student code for athletics or extra curricular activities.

## **VII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Any student observing a student possessing a weapon, alcohol, or illegal substance on Homer Central School property or at a Homer Central School function shall report this information immediately to a Homer Central School staff member. The failure of any student to promptly report such information shall constitute a violation of this code. Any weapons, alcohol, or illegal substances found shall be confiscated, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The building principal, or program supervisor 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 learns of the violation. When possible, Homer Central School District personnel will notify parents of the involvement of law enforcement in a timely manner. The law enforcement notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime. The parent shall receive a copy of the notice.

## **VIII. DISCIPLINARY PROCEDURES AND PENALTIES**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. Homer Central School staff 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.

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

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

As a general rule, discipline will be progressive. This means that a student's subsequent violations will usually merit a stiffer penalty than the first violation.

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

#### A. PENALTIES

Students who are found to have violated the Homer Central School code of conduct may be subject to the following penalties, either alone or in combination with one another. The school staff identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning - any member of the Homer Central School staff
2. Written notification to parent - any member of the Homer Central School teaching, administrative, or coaching staff
3. Referral to Principal's office – all building staff
4. Detention - Teachers, Administrators
5. Suspension from transportation - Administrators
6. Suspension from social or extracurricular activities - Administrators
7. Suspension of other privileges - Administrators
8. In-school suspension – Administrators

9. Removal from classroom -Teachers, Administrators
10. Short-term (five days or fewer) suspension from school - Administrators
11. Long-term (more than five days) suspension from school - Superintendent, Board of Education
12. Permanent suspension from school - Superintendent, Board of Education

## B. PROCEDURES

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the Homer Central School staff authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the Homer Central School staff imposing the discipline in connection with the events.

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents, or detention are entitled to additional rights, without limitation, before the penalty is imposed.

### 1. 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 or program director's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent. 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, Homer Central School 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 program supervisor to discuss the conduct and the penalty involved.

### 2. Suspension from extracurricular and athletic activities and other privileges

A student subjected to a suspension from 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 Homer Central School administrator imposing the suspension to discuss the conduct and the penalty involved.

### 3. In-school Suspension

The Board recognizes that 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 administrators to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from

the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

A student assigned to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district administrator imposing the in-school suspension to discuss the conduct and the penalty involved.

#### 4. Teacher Removal of Disruptive Students

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances, the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.

The teacher must complete a Homer Central School-established referral form and meet with the principal or program director 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 referral forms. If the principal or director 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 director prior to the beginning of classes on the next school day. The length of removal from class will be discussed at this time.

Within one school day after the student's removal, the principal, or another Homer Central School administrator designated by the principal must notify the student's parent, in writing, 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, teacher, or the designated administrator to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice by the day after the student's removal at the last known address for the parent. Where possible,

notice should also be provided by telephone if Homer Central School has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the principal, and teacher 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 two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher, and principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
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 must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal, director, or designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities permitted to return to the classroom.

Each teacher must keep a complete log (on a Homer Central School-provided form) for all cases of removal of students from his or her class. The principal or director must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal, director or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Nothing in this section of the code of conduct abridges the customary right or responsibility of principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as 'time out' in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

#### 5. 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, program directors, 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 violent conduct to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report shall be prepared as soon as possible by the staff member recommending the suspension.

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

a. Short term (five days or fewer) Suspension from School

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or fewer pursuant to Education Law §3214(3), the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if Homer Central School has been provided with a telephone number(s) for the purpose of contacting 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 parent of the right to request an immediate informal conference with the principal, or program director. 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 under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the suspending authority shall promptly advise the parents in writing of his or her decision. The suspending authority 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 Board of Education with the district clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education. These appeals must be filed within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the superintendent, program director, 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 facts 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. The board shall make its determination solely on the record of the appeal and shall not hear cases deemed moot. 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 of Education within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as when a student's conduct poses a life-threatening danger to the safety and well-being of other students, Homer Central School staff, or any other person lawfully on Homer Central School property or attending a Homer Central School function.

C. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to Homer Central School property or functions

Any student, determined to have possessed a weapon on Homer Central School property will be subject to suspension from Homer Central School programs for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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.

The superintendent shall refer the following students to the County Attorney (*or the county presentment agency if not the county attorney*) for a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The superintendent shall refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun, or loaded firearm (as defined in section 265.00 of the Penal Law) on Homer Central School property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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

2. 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 a minimum of five days. 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-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. 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.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

Any student, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, will be suspended from school for at least five days. 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-day suspension, the student, and the students 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.

**IX. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, Homer Central School will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education 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 Homer Central 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

1 . 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/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.

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

- a. The Board, the District (Homer Central School) Superintendent of Schools or a Building Principal delegated the authority to suspend students 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.
- b. 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.
- c. 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.
- d. 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 possesses a weapon to school

or to a school function, or the student knowingly possesses, uses, sells, distributes or exchanges illegal substances or alcohol or sells or solicits the sale of a controlled substance while at school or a school function.

"Weapon", "Controlled substance", and "Illegal substances" are defined in the definitions section at the beginning of the code of conduct.

3. 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

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or few 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.
2. School staff 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

1. The district's Committee on Special Education shall:
  - a. 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.

- b. 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.
2. 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.
- a. The superintendent, building principal or administrator imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. 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:
    - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to 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.

3. Homer Central School 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 of Education shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or fewer shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase, manifestation phase, and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.
6. 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 staff 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.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.

#### D. EXPEDITED DUE PROCESS HEARINGS

An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

- a. Homer Central School 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 Homer Central School staff maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
- (1) 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 Homer Central School agree otherwise.
  - (2) If Homer Central School staff 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.
  - (3) An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he 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:

1. 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.
2. 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 to the extent allowed by law.

#### **XI. 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 staff 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 Homer Central School or others.

3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of Homer Central School 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.

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

### **A. STUDENT INTERROGATION/SEARCHES OF STUDENTS AND STUDENT BELONGINGS**

The Board of Education is committed to ensuring an atmosphere on Homer Central School property and at Homer Central School functions that is safe and orderly. To achieve this kind of environment, any school administrator 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 Homer Central School administrators, nor are Administrators required to contact a student's parent before questioning the student. However, administrators will tell all students why they are being questioned.

In addition, case law allows the Board of Education to authorize Homer Central School nurses, principals, program directors, and teachers to conduct searches of students and their belongings if the authorized Homer Central School administrator has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized Homer Central School administrator 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, as long as the Homer Central School administrator has a legitimate reason for the very limited search.

An authorized Homer Central School administrator may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the Homer Central School staff, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, 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. Homer Central School staff will presumptively be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized Homer Central School administrator should encourage the student to admit if he or she possesses physical evidence that he or she violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

### **B. 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 school storage places.

Students have no reasonable expectation of privacy with respect to these places and Homer Central School officials retain complete control over them. This means that student lockers, desks and other Homer Central School storage places may be subject to search at any time by Homer Central School officials, without prior notice to students and without their consent.

### C. STRIP SEARCHES

A strip search is a search that requires a student to remove any or all of his or her clothing. Removal of footwear or an outer coat or jacket shall not constitute a strip search. If an authorized Homer Central School administrator believes it is necessary to conduct a strip search of a student, the administrator may do so only if the search is authorized in advance by the Superintendent or the Homer Central School attorney. The only exception to this rule requiring advanced authorization is when the Homer Central School official believes there is an emergency situation that could threaten the safety of the student or others. Strip searches may only be conducted by an authorized Homer Central School administrator 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.

In every case, the Homer Central School administrator conducting a strip search must have probable cause -not simply reasonable suspicion - to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

Homer Central School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### D. DOCUMENTATION OF SEARCHES

The official performing the search shall be responsible for promptly recording the following information about each search:

1. Name, age, and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).

10. Disposition of items found.
11. Time, manner, and results of parental notification.

The principal shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or director shall retain control of the items, unless the items are turned over to the police. The principal or director shall be responsible for personally delivering dangerous or illegal items to police authorities.

#### E. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS

Homer Central School administrators 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 Homer Central School buildings or at Homer Central School functions, or to use Homer Central School facilities in connection with police work. Police officials may enter Homer Central School property or a Homer Central 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 or
2. Probable cause to believe a crime has been committed on Homer Central School property or at a school function, or
3. Been invited by Homer Central School administrators.

Before police officials are permitted to question or search any student, the building principal or program director shall first try to notify the student's parent by phone to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, as soon thereafter as possible. The principal or director will also be present during any police questioning or search of a student on Homer Central School property or at a Homer Central School function.

Students who are questioned by police officials on Homer Central School property or at a Homer Central School function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.
4. Some may not be questioned outside of the presence of a parent.

#### F. CHILD PROTECTIVE SERVICES INVESTIGATIONS

Consistent with the district's commitment to keep students safe from harm and the obligation of Homer Central School mandated reporters 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 Homer Central School property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal. The building principal shall set the time and place of the interview. The superintendent shall decide if it is necessary and appropriate for a Homer Central School administrator to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the nurse or other Homer Central School medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or district official of the opposite sex.

A child protective services worker may not remove a student from Homer Central School property without a court order unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from Homer Central School property 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, upon notice and consultation with the building principal or program director.

### **XIII. 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 is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to Homer Central School property:

1. Anyone who is not a regular staff member or student of a school or program will be considered a "visitor."
2. All visitors to the Homer Central School facility must sign in upon arrival at the school. There, they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the main office and sign out before leaving the building.
3. Visitors attending Homer Central School functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. 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(s), so that class disruption is kept to a minimum.
5. Teachers will not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or Program Director. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.

7. All visitors shall abide by the rules for public conduct on Homer Central School property contained in this Code of Conduct.

#### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Homer Central School 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 Homer Central School property and at Homer Central School functions.

The restrictions on public conduct on Homer Central School property and at Homer Central School functions contained in this code are not intended to limit freedom of speech or peaceful assembly. Homer Central School 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.

##### **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. Injure any person or threaten to do so.
2. Damage or remove district property.
3. Disrupt the orderly conduct of classes, Homer Central School programs or other Homer Central School activities.
4. Distribute or wear materials on Homer Central School grounds or at Homer Central School functions that are obscene, advocate illegal action, appear defamatory, obstruct the rights of others, or are disruptive to the educational programs.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation, or disability.
6. Enter any portion of the Homer Central 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 or illegal substances, or be under the influence of either. "Illegal substances" are defined at the beginning of the code of conduct.
10. Possess a "weapon" as defined at the beginning of the code of conduct.
11. Loiter on or about Homer Central School property.

12. Refuse to comply with any lawful order of identifiable Homer Central School district administrators performing their duties.
13. Willfully incite others to commit any of the acts prohibited by this code.
14. Violate any federal or state statute, local ordinance or Board of Education policy while on Homer Central School property or while at a Homer Central School function.

## B. PENALTIES

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

1. Visitors - Their authorization, if any, to remain on Homer Central School grounds or at the Homer Central 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. If necessary, law enforcement officials may be called to assist in this ejection.
2. Students - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Faculty members - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law section 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law section 75 - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 - They shall be subject to immediate ejection and to warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

## C. ENFORCEMENT

The superintendent shall be responsible for enforcing the conduct required by this code. The superintendent may designate the other Homer Central School district staff who are authorized to take action consistent with the code.

When the superintendent or his/her designee(s) sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated administrator shall tell the individual that the conduct is prohibited, and attempt to persuade the individual to stop. The administrator 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 administrator shall have the individual removed immediately from Homer Central School property or the Homer Central School function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XV. DISSEMINATION AND REVIEW**

### **A. DISSEMINATION OF CODE OF CONDUCT**

The Board of Education will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each academic year. New students will be given a copy of the Code upon registration.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the academic year and making this summary available later upon request.
3. Providing all current staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
3. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
4. Making copies of the Code available for review by students, parents and other community members.
5. Providing a copy of the Code on the district web site.

On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the Code will be filed in each school building, where it will be available for review by any individual.

The Board of Education will sponsor an in-service education program for all Homer Central School 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.

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

The Board of Education may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of students, teachers, administrators, parents, Homer Central School safety personnel, and other Homer Central School staff.

Before making any revisions to the Code, the Board of Education will hold at least one public hearing at which school staff, parents, students, and any other interested party may participate.

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

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS**

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three (3) forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

**Engages in Cyberbullying Behavior**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or internet postings.

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)**

- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

District Officials will determine if law enforcement is contacted for bullying on or off school property.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

**Reports of Allegations of Bullying/Cyberbullying Behavior**

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying/cyberbullying, shall report the behavior to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying/cyberbullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying/cyberbullying. Investigation of allegations of bullying/cyberbullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying/cyberbullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

**Prevention and Intervention**

Personnel at all levels are responsible for taking corrective action to prevent bullying/cyberbullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying/cyberbullying within the schools and to facilitate staff identification of and response to such bullying/cyberbullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying/cyberbullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration.

(Continued)

Students

**SUBJECT: BULLYING: PEER ABUSE IN THE SCHOOLS (Cont'd.)****Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying/cyberbullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying/cyberbullying behavior has not resumed and that all those involved in the investigation have not suffered retaliation.

Civil Service Law Section 75-b

NOTE: Refer also to Policies #3213 -- Anti-Harassment in the School District  
#3400 -- Code of Conduct on School Property  
#7414 -- Hazing of Students  
#7621 -- Sexual Harassment (Students)  
*District Code of Conduct*

Adopted: 12/14/04  
Revised: 10/13/09

Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT****Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

**Specific Penalties Imposed by the Gun-Free Schools Act**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is

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## Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

Student with a Disability

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

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Students

**SUBJECT: WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT (Cont'd.)**

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child  
Left Behind Act of 2001  
18 United States Code (USC) Section 921(a)  
Individuals With Disabilities Education Act (IDEA)  
20 United States Code (USC) Sections 1400-1485  
and 7151  
Criminal Procedure Law Section 1.20(42)  
Education Law Sections 310, 809-a, 3214 and Article  
89  
Family Court Act Article 3  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2 and Part 200