



# 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.

**Administrator** includes any of the following:

- Building Principal
- Building Vice Principal
- Program Director
- District Administrator
- Superintendent

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**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.

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**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.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

**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 a 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.

**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," synthetic cannabinoids (marijuana) or implements designed for use of any of the foregoing.

**National Origin** means a person's country of birth or ancestor's country of birth.

**Other** means other issues as determined necessary by the district to address or attend to.

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

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**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.

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

**Vaping** means the means the use of an electronic cigarette or similar device, including but not limited to e-cigs, e-hookahs, hookah pens, and vape pens, which deliver vapor or any other inhalant which is inhaled by an individual user. Electronic cigarettes or similar devices shall include any refill, cartridge and any other component of such a device.

**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.

**Weight** means, in addition to the obvious meaning in the physical sciences, any word used in reference to a person's "size".

**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

### **III. ACTS OF MISCONDUCT DEFINED**

Members of the school community are required to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of others, including students, employees and other members of the school community. The commission of any of the following acts on school district property or at school district functions is prohibited.

#### **A. Infractions that are Reportable as “Violent and Disruptive Incidents”**

1. ***Arson.*** Deliberately starting a fire with intent to damage or destroy property.
2. ***Assault.*** The intentional causing of physical injury to another person, with or without a dangerous weapon.
3. ***Assault with physical injury.*** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon.

4. ***Assault with serious physical injury.*** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, including injury which causes substantial risk of death, or serious and protracted disfigurement, or protracted impairment of health, or the protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room.
5. ***Bomb threat.*** Conveying, with knowledge that the information is false, that a bomb, explosive, chemical or biological weapon has been or will be placed on school property.
6. ***Burglary.*** Entering or remaining unlawfully on school property with intent to commit a crime.
7. ***Criminal mischief.*** Intentional or reckless damaging of property, including vandalism and the defacement of property with graffiti.
8. ***Drug Possession, Use, or Sale.*** Illegally using or possessing a controlled substance, including marijuana or illegal substances or synthetics such as spice or K2, on school district property, including having such substance on one's person or in a locker, vehicle or other personal space; selling or distributing a controlled substance on school property; finding a controlled substance on school district property that is not in the possession of any person. This section is not applicable to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not considered as drugs for the purpose of this section.

The use or possession of an illegal drug, illegal substance, over the counter drug, smoking/tobacco/vaping products or drug/smoking paraphernalia or e-cigarettes or other similar devices or being under the influence of such on school property, including having such substance on a person or in a locker or vehicle or other personal space; or selling or distributing an illegal drug or illegal substance on school property; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. The possession of lighters and/or matches and/or any other device capable of generating sufficient heat so as to generate a flame or initiate burning is also prohibited.

9. ***False alarm.*** Falsely activating a fire alarm or other disaster alarm.
10. ***Homicide.*** Any conduct that results in the death of another person.
11. ***Intimidation, harassment, menacing or bullying behavior.*** Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving age, disability, ethnicity, national origin, race, religion, sex or sexual orientation, that substantially disrupts

the educational process. (Harassment involving physical contact is considered a violation of the prohibition against “minor altercations.”)

12. ***Kidnapping.*** To abduct a person so as to restrain the person with intent to prevent his or her liberation, either by (a) secreting or holding him or her in a place where he or she is not likely to be found; or (b) using or threatening to use deadly physical force with or without a weapon.
13. ***Larceny or other theft offenses.*** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property; permanently or unlawfully withholding property from another.
14. ***Minor altercations.*** Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, without causing physical injury. Fights that do not result in serious physical injury are considered minor altercations.
15. ***Reckless endangerment.*** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. Examples include throwing an object at another student that has the potential to cause a grave risk of death or serious physical injury; choking another person; brandishing a weapon on a school bus threatening another person; driving a car erratically and recklessly while other persons are present.
16. ***Riot.*** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
17. ***Robbery.*** Forcible stealing from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.
18. ***Sexual offenses.*** (a) Forcible sexual offenses. Involving forcible compulsion and completed or attempted sexual intercourse or aggravated sexual conduct with or without a weapon. (b) Other sex offenses. Involving inappropriate sexual contact but no forcible compulsion. Inappropriate sexual contact includes, but is not limited to the following: touching or grabbing another student on a part of the body that is generally regarded as private; removing another student’s underwear to reveal private body parts.
19. ***Use, possession, sale or distribution of alcohol.*** Using, possessing, selling or distributing alcohol on school property, including having such substance on one’s person or in one’s locker or vehicle or other personal space.
20. ***Use, possession or sale of drugs.*** Illegally possessing, selling or distributing a controlled substance, such as marijuana, on school property, including having such substance on one’s person or in one’s locker or vehicle or other personal space.



21. ***Weapons possession.*** Possession of one or more of the following dangerous instruments, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to school or possessing a weapon at school.
- a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun;
  - b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
  - c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
  - d. a sandbag or sandclub;
  - e. a slingshot or slungshot;
  - f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, ninchuk, or shirken;
  - g. an explosive, including, but not limited to, a firecracker or other fireworks;
  - h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
  - i. an imitation gun;
  - j. loaded or blank cartridges or other ammunition; or
  - k. any other deadly or dangerous instrument.
22. ***Other disruptive incidents.*** Other incidents involving the disruption of the educational process which result in disciplinary action or referral.

**B. Infractions that Are Not Reportable as Violent and Disruptive Incidents**

- 1. ***Attendance violations.*** Failing to follow attendance procedures; not reporting to designated areas at designated times; tardiness to school, class or homeroom; leaving class, assigned area, or school grounds, or final exam without permission; truancy; cutting class.
- 2. ***Cheating, plagiarism, misrepresentation.*** Cheating is to act dishonestly by claiming the work of someone else as your own, or by enabling or permitting another student to claim your work as their own. Cheating occurs when you purposely and knowingly commit one of these acts: You allowed someone to copy your work. You claimed someone else's work as your own. You had knowledge of

questions or answers prior to the test or quiz. You gave or received assistance during test or quiz. Plagiarism is the unauthorized use of another's material that is represented as one's own work. Plagiarism is a piece of writing that has been copied from someone else and is presented as being your own work, *i.e.*, taking someone's words or ideas as if they were your own. Plagiarism occurs when you purposely and knowingly commit one of these acts: You turned in another student's paper as your own. You copied portions of another student's paper into your own. You copied reference material into your paper without quotation marks and without citing author and page. You paraphrased material into your paper without an in-text citation to author and page. You summarized referenced material without citing original source. The prohibition against cheating applies to, but is not limited to, term papers, class projects, and homework assignments.

3. **Computer Abuse.** Violation of the acceptable use policy of District computers includes, but is not limited to, the following: misuse of user name and password; playing games; using the District network for non-school related commercial or private purposes; use of instant messenger, chat or any other unfiltered or non-traceable form of software, including any peer-to-peer sharing software; use of programs to hack or steal passwords; installation of software on computers; damaging computers, systems, or networks; and altering the physical make-up of computer (desktop, operating system, BIOS).
4. **Disorderly conduct.** Conduct that (a) obstructs or disrupts a teaching, research, administrative or disciplinary procedure or other District activity, or of any authorized District activity; or (b) is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. Disorderly conduct includes, but is not limited to, running in hallways; making unreasonable noise; using language or gestures that are profane, lewd, vulgar or abusive; the willful interference with the free flow of vehicular or pedestrian traffic; failing to comply with the lawful directions of teachers, school administrators or other District employees; speech or gesture which, by virtue of its content and/or circumstances, is likely to disrupt the conduct or classes or other District activities or to undermine the maintenance of discipline within the school setting; being late for school or class; being unprepared for class; and committing other conduct that detracts from the delivery of the District's educational program, or disrupts the normal operation of the school community.
5. **Dress Code:** Defined in Section 6.
6. **Drug Paraphernalia.** The use, possession, sale or distribution of over-the-counter drugs, drug look-alikes, and any type of drug paraphernalia (drug paraphernalia includes by way of example, but is not limited to, matches and lighters, electronic cigarettes or any similar device such as e-cigs, e-hookahs, hookah pens, and vape pens which deliver vapor or any other inhalant which is inhaled by an individual user as well as any refill, cartridge and any other component of such a device) is prohibited. This prohibition extends to having such items on one's person or in one's locker or vehicle or other personal space.

7. **Electronic Devices.** Possession of personal electronic devices shall include, but not be limited to, cellular phones of all types including those with photographic, videotaping and/or text messaging capabilities, tablets, Nintendo DSs, Blackberries, cameras, MP3 players, and laser pens.
8. **Gambling.** The risking of something of value upon the outcome of a contest of chance or a future contingent event upon an agreement of understanding that one will receive something of value in the event of a certain outcome.
9. **Harassment.** In addition to the definition set forth in Section 6 (A) (10) of this Code of Conduct, harassment shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, or gender (including gender identity and expression). Harassment may take the form of comments, name calling, jokes, stalking, perpetuating rumors or gossip, offensive gestures, offensive remarks, physical abuse, or any other behavior that is designed to annoy, intimidate, or cause fear. Harassment may include:
  - a. **Bias Harassment.** The act of threatening bodily harm or by repeatedly tormenting another person based on the victim's race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, or gender (including gender identity and expression). Bias harassment may take the form of comments, jokes, name-calling, innuendoes, offensive conversations, perpetuating rumors or gossip, offensive gestures, noises, blocking a victim's path, assault, or any other behavior that is designed to show disrespect to an individual based on the categories listed above.
  - b. **Bullying.** Bullying, real or perceived, is understood to be the creation of a hostile environment that has or would have the effect of unreasonably and substantially interfering with a student's:
    - 1) educational performance, opportunities or benefits; or
    - 2) mental, physical or emotional well-being.

Bullying may also be conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Bullying may be premeditated or a sudden activity. Bullying may be subtle or easy to identify. Bullying may be done

by one person or a group. Bullying may be a single act or a series of occurrences. Bullying may also be based on any characteristic including but not limited to a person's actual or perceived race, color, weight, national origin, ethnic origin, ethnic group, religion, religious practices, disability, sex, sexual orientation, or gender (including gender identity and expression).

Bullying includes, but is not limited to, the following types: Verbal bullying: which includes but is not limited to name calling, insulting remarks, verbal teasing frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc. Physical bullying: which includes but is not limited to poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, taking personal belongings without permission, or threatening gestures.

Social or relational bullying: which includes but is not limited to excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, blatant or subtle offensive body language, extortion, intimidation, coercion, etc.

Intimidation: Committing an act against a student, or coercing a student into committing an act that humiliates, degrades, abuses or endangers, regardless of the person's willingness to participate. Threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs.

- c. Cyberbullying. A form of harassment/bullying which occurs via electronic communication on the Internet, on cellular phones or other electronic media. Cyber-bullying 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 email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyber-bullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. 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 including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyberbullying or harassment has or could have the effect of:

-Causing physical, social/relational, emotional or mental harm to a student;

-Placing a student in reasonable fear of physical, emotional or mental harm;

-Placing a student in reasonable fear of damage to or loss of personal property; or

-Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school's programs.

- d. Criminal Harassment/Menacing: Intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person; where such behavior, under this Code of Conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime. Actions which intentionally place or attempt to place another person in fear of imminent physical injury.
- e. Extortion: Any intentional action which reasonably instills fear in another individual that the actor or another person will cause injury to the persons or property of that individual or another person for the purpose of obtaining money or property from that individual.
- f. Hazing: A form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:
  - 1) Humiliation: socially offensive, isolating or uncooperative behaviors.
  - 2) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
  - 3) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.
- g. Sexual Harassment: The act of threatening bodily harm or repeatedly tormenting another person based on gender or sexual orientation. Sexual harassment may take the form of comments, jokes, name calling,

innuendoes, offensive conversations, perpetuating unwelcome touching of another's clothes, pinching, whistling or other noises, blocking a victim's path, assault, or any other behavior that is intended to or has the reasonable effect of being offensive based on a person's gender or sexual orientation.

h. Threats: Communicating credible, focused threats of violence or harm to an individual or group of individuals, directly or indirectly, whether by physical, verbal, written, telephone, electronic actions or other conduct, which cause the other person to believe his or her life, safety, or property is in danger, or which cause a listener to believe that another person's life, safety, or property is in danger. It is not necessary that the threat be communicated to the intended victim directly.

10. ***Insubordination.*** The refusal or failure to comply with any District rule, regulation or policy (including those relating to attendance), or the failure to comply with a reasonable request from District personnel or representatives authorized to make such a request. Insubordination, as it relates to students, includes, but is not limited to, the failure to comply with the lawful directives of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect toward such individual; lateness for school or class; missing or leaving school without permission; and skipping detention. Insubordination, as it relates to non-students, includes, but is not limited to, the violation of regulations governing the use of Homer Central School Property, and the failure to comply with the lawful directions of District employees or law enforcement officers acting in performance of their duties.

Insubordination includes: disrespectful behavior to staff, use of obscene or vulgar language to staff, verbal disrespect to staff and refusal to abide by rules and procedures of the in-school planning room and the in-school suspension room.

11. ***Parking and Driving.*** Parking a student-operated vehicle on Homer Central School Property without a parking permit, parking in unauthorized areas (*e.g.*, in a fire lane, on the quad, on grass or in the faculty area), recklessly operating a vehicle on school property; failure to adhere to all state and local laws pertaining to traffic and to the operation of motor vehicles, and failure to follow the directives of faculty supervisors in the parking and driving areas of the campus, constitute violations of this Code.

The District assumes no liability for vandalism/theft of the vehicle while on school property. In addition, student vehicles are subject to search with reasonable suspicion. Driving regulations as determined by New York State Motor Vehicle and Traffic law shall apply to all drivers on District Property. Students who attend BOCES during the school day are not allowed to drive their vehicles or ride with any other student to BOCES without permission.

12. ***Public display of affection.*** Students should not be overly demonstrative in their affections and, for everyone's health, safety and well-being, displays of affection

are prohibited. Inappropriate body contact and kissing is prohibited in school and all school activities.

13. **Tobacco.** The use, possession, sale or distribution of tobacco products, including cigarettes and chewing tobacco, as well as matches and lighters, is prohibited. This prohibition extends to having such items on one's person or in one's locker or vehicle or other personal space.
14. **Other unacceptable behavior.** This shall include, but is not limited to, conduct in classrooms and in other areas of the school or grounds, as well as to conduct on school buses and at school-sponsored events. Some examples of unacceptable behavior are: failure to complete homework, being unprepared for class, classroom disruption, misuse of school materials, failure to follow the directions of staff, failure to follow school/class.

#### IV. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

**With every right comes a responsibility.**

*It is the student's right:*

- 1) To attend school in the District in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.

*It is the student's responsibility:*

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another, and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.

- 7) To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability. → To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. → To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. → To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

## **V. 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 as required by NYS Law and in accordance with the District's Comprehensive Student Attendance Policy (#7200). Ensure their child attends class regularly, on time, and that absences are for legal reasons as outlined in the student handbook.
3. Insist their child be dressed and groomed in a manner consistent with the student dress code.
4. Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.



5. Build good relationships with other parents and their child's friends.
6. Demonstrate civility and use appropriate language at all times.
7. Know Homer Central School rules and help their child understand them.
8. Convey to their child a supportive attitude toward education and Homer Central School.
9. Enhance relationships with teachers and administrators by participating in school functions such as open house and parent-teacher conferences.
10. Help their child deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students.
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 for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex with an understanding of appropriate appearance, language and behavior in a school setting which will strengthen students' self-image and promote confidence to learn. 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. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
7. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
8. Dress appropriately for school and Homer Central School functions.
9. Be approachable with any problem by any student, parent, or community member regardless of how large or small.
10. Assist students in coping with peer pressure and emerging personal, social, and emotional problems.
11. Attend teacher/student/counselor conferences and parent-teacher/student counselor conferences as a way to solve problems.
12. Regularly review with students their educational progress and encourage students to benefit from the curriculum and extracurricular programs.
13. Report potentially unsafe situations to the appropriate administrator.
14. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
15. Maintain appropriate confidentiality concerning students in their charge and share personal information only on a "need to know" basis.
16. 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. SCHOOL COUNSELORS

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriately document teacher/student/counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with the students their educational progress, career plans and graduation requirements.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### D. STUDENT SUPPORT SERVICE PERSONNEL

1. Support educational and academic goals.
2. Know school rules, abide by them and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
7. Regularly review with students their educational progress and career plan.
8. Provide information to assist students with career planning.

9. Encourage students to benefit from the curriculum and extra-curricular programs.
10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

E. OTHER DISTRICT STAFF

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

F. 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.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

G. 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.

## H. 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.
3. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
4. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

## VI. 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 unauthorized 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.

## **VII. 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.
  7. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network or proxy server; or any other violation of the District Acceptable Use Policy.
  8. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
  9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- 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. Failure to adhere to the District's policies and this Code of Conduct.
  3. Leaving Homer Central School property without permission.
  4. 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. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
4. Possessing a weapon as defined on page 3 of this document.
5. Displaying what appears to be a weapon.
6. Threatening to use a weapon through any means of communication.
7. Damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.
8. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property or against a member of the Homer Central School staff or another student; or, (b) results in material or substantial disruption to the educational environment.

**E.** Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include but are not limited to:

1. Lying to 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. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can

include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).

4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
5. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
11. Selling, using, possessing or distributing obscene material.
12. Using tobacco in any form.
13. Vaping or 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 drug paraphernalia, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, Synthetic

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

14. 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.
  15. Operate a vehicle in an unsafe or reckless fashion.
  16. 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.
  4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
  5. Violation of the District Acceptable Use Policy for technology.
  6. Assisting another student in any of the above actions.
- H. Engage in conduct in violation of the student code for athletics or extracurricular activities.

### **VIII. 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.

## **IX. 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. Use of Restorative Practices (May include, but not limited to: Restoration conference between parties, written reflections, voluntary service learning, and any action to “make it right and do no harm”) – Teachers, Administrators
5. Detention - Teachers, Administrators
6. Suspension from transportation - Administrators
7. Suspension from social or extracurricular activities - Administrators
8. Suspension of other privileges - Administrators
9. In-school suspension – Administrators
10. Removal from classroom -Teachers, Administrators
11. Short-term (five days or fewer) suspension from school - Administrators
12. Long-term (more than five days) suspension from school - Superintendent, Board of Education
13. 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:

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law.
- c. 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:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. 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:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. 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 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.

## **X. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, 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.

## **XI. 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.

Students with disabilities are expected to follow the Code of Conduct of the Homer Central School District. However, if a student with a disability violates the school Code of Conduct and is being considered for a suspension or removal that constitutes a disciplinary change of placement (i.e. removal for more than 10 consecutive days or a series of removals that in the aggregate totals more than 10 school days) a manifestation team meeting must be convened as part of the disciplinary process under Education Law § 3214 and Part 201 of the Commissioner's Regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

Similar to general education students, special education students may be suspended for a period of up to 5 days by the school principal. Special education students also have the right to a Superintendent's hearing if the suspension for the alleged violation of the code of conduct is to be more than 5 days. Such hearings for students with disabilities shall be bifurcated into a guilt phase and a penalty phase with manifestation determination review to be conducted between the two phases to determine if the student's conduct is a manifestation of the disability.

1. Manifestation Team

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or

- c) By the Board, District Superintendent, Superintendent or building principal to impose a suspension that constitutes a disciplinary change of placement (i.e. suspension of more than 10 days).

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent/legal guardian and relevant members of the CSE as determined by the parent/legal guardian and the District.

The parent/legal guardian must receive written notification before any manifestation team meeting to ensure that the parent/legal guardian has an opportunity to attend. The notification must inform the parent/legal guardian of:

- The purpose of the meeting;
- The names of the individuals expected to attend; and,
- His or her right to have relevant members of the Committee on Special Education participate at the parent's/legal guardian's request.

The manifestation team must review all relevant information in the student's file including, but not limited to:

The student's Individual Educational Program;

Any teacher observations; and

Any relevant information provided by the parent/legal guardian.

Upon review and discussion of the above information, the manifestation team must determine:

- If the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or.

If the conduct in question was the direct result of the District's failure to implement the Individual Educational Program.

## 2. Finding Manifestation

If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school District's failure to implement the Individual Educational Plan:

- The Committee on Special Education must conduct a functional behavioral assessment and implement a behavioral intervention plan for the student; and
- Except for removals for drugs, weapons or serious bodily injury pursuant to Section 201.7 of the Regulations of the Commissioner of Education, the student must be returned to the placement from which the student was removed, unless the parent/legal guardian and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

A student with a disability may be removed from class to an interim alternative educational setting (IAES) for illegal drugs, controlled substances, weapons and serious bodily injury for up to 45 school days regardless of the manifestation determination.

A student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days) in a school year, must be provided with educational services in an interim alternative educational setting (IAES), as determined by the Committee on Special Education, that enables the student to:

- Continue to participate in the general education curriculum;
- Progress toward meeting the goals set out in the student's Individual Educational Plan and;
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

If a parent/legal guardian requests an impartial hearing or an appeal regarding the change in placement for his or her child to an interim alternative educational setting or the manifestation determination, the student must remain in his or her interim alternative educational setting pending the decision of the independent hearing officer or until expiration of the time period of the removal, whichever occurs first, unless the parents/legal guardians and the School District agree otherwise.

### 3.No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/legal guardian to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

### 4.Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, for subsequent suspensions or removals for 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change of placement, and for suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement for behavior, the CSE shall determine the services to be provided to students with a disability necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP, and shall conduct or provide, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

#### B. Interim Alternative Educational Setting (IAES)

Students with disabilities who have been suspended or removed from their current placement for more than ten (10) school days may, as determined by the CSE, be placed in an IAES which is a



temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

1. Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District; or

2. Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District; or

3. Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District. Serious bodily harm has been defined in law to refer to one of the following:

- Substantial risk of death;
- Extreme physical pain; or
- Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

School premises shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; a school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES shall:

- Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- . Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

### C. Students Presumed to Have a Disability for Discipline Purposes

Students who are suspected of having a disability but are not currently identified under IDEA or Section 504 may be eligible to any protections available to students with disabilities as determined in accordance with law and/or regulations as referenced below.

#### 1. Basis of Knowledge

The School District shall be deemed to have knowledge that the student had a disability if prior to the time the behavior occurred:

- The parent/legal guardian of the student has expressed concern verbally or in writing to supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education and related services;
- The parent/legal guardian of the student has requested an evaluation of the student; or
- A teacher of the student, or other District personnel, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Special Education or to other supervisory personnel in accordance with the District's established child find or special education referral system.

#### 2. Exception

A student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above (i.e., subheading "Basis of Knowledge"):

- The parent/legal guardian of the student has not allowed an evaluation of the student pursuant to law and/or regulations;

- The evaluation is scheduled but has not yet occurred;
- The parent/legal guardian of the student has refused services under law and/or regulations; or
- The student has been evaluated and it was determined that the student is not a student with a disability.

### 3. Responsibility for Determining Whether a Student is a Student Presumed to Have a Disability

If it is claimed by the parent/legal guardian of the student or by District personnel that the District had a basis for knowledge, in accordance with law and/or regulation, that the student was a student with a disability prior to the time the behavior subject to disciplinary action occurred, it shall be the responsibility of the Superintendent of Schools, Principal or designee imposing the suspension or removal to determine whether the student is a student presumed to have a disability.

### 4. Conditions That Apply if There is No Basis of Knowledge

If it is determined that 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 nondisabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made during the time period in which such nondisabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted in accordance with law and/or regulations. Pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents/legal guardians, the District shall provide education and related services in accordance with the law and regulations.

## D. 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.

## **XII. 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.

## **XIII. 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.

#### **XIV. EXTRA/CO-CURRICULAR ACTIVITY CODE**

Extra/Co-curricular- All extra/co-curricular-school activities (membership in which is a student choice) not related to the activities of a credit bearing class. Students who participate in extracurricular activities should recognize that they have an obligation to themselves, their co-participants, and the school community to strive for excellence. It is hoped that participation in our programs will enable the students to value their learning experiences, instill self-discipline and self-control, and to exercise mature behavior and judgment.

To encourage the development of the above, participants are expected to adhere to the following general rules.

**A. Academics:** The mission of the Homer Central School District is high academic standards for students. Extra Interscholastic athletics are an integral part of the education program at Homer. Our students must realize that the academic and Co-Curricular programs both strive to achieve this mission. The following Academic Eligibility Policy is established to ensure that the District's mission is being met.

1. Academic eligibility rules apply during the respective activity/sport season.
2. Eligibility will be based on the work of the student for the five-week period prior to participation and reviewed at each five-week report for any student with a failing grade. Eligibility lists will be prepared as soon as reports are issued. Eligibility for the first five weeks of the school year will be based on the marks received the preceding June. In the event a student attends summer school to make up a deficiency, the summer school mark may be substituted for the June grade.
3. Eligibility shall be determined from grades in all subjects in which the student is enrolled. Dropping a class to allow athletic/co-curricular activity eligibility is not acceptable.
4. A student failing one class must attend a minimum of two extra help classes each week. In that subject in order to stay eligible. Effort and progress must be demonstrated.
5. A student failing two courses will be placed on probationary status for two weeks. The probation period starts at the date of notification. Students will have this probationary period to bring their failing grades to a passing level by attending a minimum of two extra help classes each week in that subject in order to stay eligible. Effort and progress must be demonstrated. While on probation, students will be ineligible for contests. Game/activity attendance will be at the discretion of the coach or advisor.

Grades will be reviewed at the end of the two-week period. If the student, at the end of the two-week period, has not brought at least one of the failing grades up to a passing level, they will remain ineligible for further participation in contests for the remainder of the 5-week grading period. They will then be placed at the appropriate level using the



new grade report.

6. A student failing more than two classes will be ineligible to sign up, try out for, or continue participation in activities. Students placed on ineligibility status will have their status reviewed using the next five-week report. Students will be placed at the appropriate eligibility level using the new grade report.

7. It is the student's responsibility to reestablish their eligibility. Athletic/activity contest participation can be re-established by having no more than one failing grade.

**B. Conduct:** Every student is expected to exemplify good citizenship both in school and in the community. A student who does not will be removed from participation for a period of time, depending upon the severity of the offense.

1. Each student will travel to and from performances or contests via school approved transportation. When extenuating circumstances arise, a student may be (a) released directly to his or her parent or (b) have written permission from a building principal or the athletic director to travel by other means.

2. Each student will be required to pay for lost equipment and for equipment damaged through misuse. Lack of payment or failure to return uniforms will jeopardize the student's activity status.

3. Any student found guilty of stealing (money, sports equipment, clothing, etc.) or vandalism will be expelled from the activity and prosecuted if warranted.

4. Individual activity advisers will establish rules pertaining to their particular activity. Each student will be informed of these rules in writing and will be required to abide by them. A student will be suspended from participation for violation of these rules. All rules have been approved by the building principal/athletic director.

5. Any student wishing to discontinue participation in an activity must consult with the coach or adviser prior to making a final decision. Any student who violates this requirement will be unable to try out for or participate in another activity until the season of the activity he or she left is completed.

6. Each student must arrive at school in time for the school day to begin. This especially applies to the school day immediately following evening contests/performances. Extenuating circumstances can be brought to the attention of the advisor, coach or administrator. Students who abuse this rule will be dealt with on an individual basis with the school administration.

**C. Substance Abuse:**

1. This includes all extra and co-curricular activities in grades 7-12. A student's violation record shall start clean when they enter the 7th and 9th grades.

2. Any violations of rules concerning the use of or possession of tobacco in any form, drug paraphernalia in any form (drug paraphernalia includes by way of example, but is not limited to, matches and lighters, electronic cigarettes or any similar device such as e-cigs, e-hookahs, hookah pens, and vape pens which deliver vapor or any other inhalant which is inhaled by an individual user as well as any refill, cartridge and any other

component of such a device), alcohol, or other intoxicants, and illegal drugs or performance enhancing drugs will result in the student being suspended from all extracurricular activities for a period of time. Suspension of these extracurricular activities will result if the violation occurs during the school year, at any time, on school grounds or off.

3. In the case of any activity that may begin before the start of school, the students will be subject to this code of behavior beginning the first date of activity.

**Consequences for substance abuse violations:**

- **1st Offense            30 Calendar Day Suspension\***
- **2nd Offense            60 Day Suspension**
- **3rd Offense            1 Year Suspension**

\*A 30-day suspension from co-curricular activities is issued for the student's first offence. If a student completes six hours of a community service project, student may fully return after 15 days. The community service project must be agreed upon by student, parent and administration. In addition, the first time offender may be required to attend, but not participate in, team practices/rehearsals and games/performances.

During the **school suspension**, they will not be allowed to attend any school function, practice or rehearsal. These suspensions will begin on the date of notification from administration. These consequences will be cumulative for a student during their junior high and high school careers. A student's violation record shall start clean when they enter the 7th and 9th grade years.

**D. Appeal Procedure**

Should a student and/or their parents desire, decisions made by the junior high or high school administration may be appealed to the superintendent of schools. Appeals may continue to the Board of Education and then to the Commissioner of Education or the court system.

**XV. 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 present their driver's license and be cleared through the Raptor System. They will be issued a visitor's identification sticker, which must be worn at all times while in the school or on school grounds. The visitor must sign out and leave the building through the main office.
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.

## **XV. 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
4. Homer Central School activities.
5. 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.
6. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation, or disability.
7. Enter any portion of the Homer Central School premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
10. 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.
11. Possess a "weapon" as defined at the beginning of the code of conduct.
12. Loiter on or about Homer Central School property.
13. Refuse to comply with any lawful order of identifiable Homer Central School district administrators performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. 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.

### **XVI. PUBLICATION, DISTRIBUTION AND REVIEW**

#### A. DISTRIBUTION 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 a public hearing prior to Board approval.

2. Providing access to 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 summary of the Code upon registration.
3. Providing a digital 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.
4. Providing all current staff members with a digital copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a digital copy of the current Code of Conduct when they are first hired.
6. Making digital copies of the Code available for review by students, parents and other community members.
7. 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 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 District shall post the complete Code of Conduct (with all amendments and annual updates) on the District website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner no later than thirty (30) days after their respective adoptions.