



# DISTRICT CONDUCT POLICY

POLICY #5310 and Regulation  
Mandated Policy

**2022-2023 School Year**

BOE Adopted August 16, 2022

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## CODE OF CONDUCT

**BELIEF STATEMENT**

Schools are a reflection of the community in which they exist. Ichabod Crane Central School should be a place where children and adults work and learn together in an atmosphere of mutual respect and with a clear understanding of each person's rights and responsibilities. As members of the school community, students, teachers, administrators, other school officials, parents and visitors have rights, which must be balanced by the responsibilities on which these rights are based. While students at Ichabod Crane Central School have the right to an education, this right is qualified by eligibility requirements and by performance requirements developed for the benefit of all students. Although the school must be concerned with the welfare of each individual, it must also be concerned with the welfare of the entire school community. While the school is a social institution, its primary function remains the education of its students. Good behavior will be encouraged through positive reinforcement and the positive and supportive example of school employees and parents. However, when a behavior at school demonstrates the individual is not fulfilling his/her responsibilities or exercising his/her rights in an appropriate manner, the school will respond according to its Code of Conduct and policy on discipline. The District is committed to the consistent enforcement of the procedures governing discipline. Its policy is a reflection of the goals governing the Pro Children Act which ensures a tobacco-free environment, the National Educational Goals 2000 which prohibits violence in the schools, and the Safe and Drug Free Schools Act dedicated to prevent the illegal use of drugs and alcohol in the schools and the assurance of behaviors which cultivate respect for individual differences. Individuals who violate these federal or state laws will be reported to the appropriate legal authorities.

## CODE OF CONDUCT REGULATIONS

**I. NEW YORK CODES RULES AND REGULATIONS  
(NYSCR SECTION 100.2 POLICY ON SCHOOL CONDUCT AND  
DISCIPLINE)**

In accordance with the Regulation, the District adopted a Code of Conduct in collaboration with students, teachers, administrators, parent organizations and school safety personnel. The Code was originally adopted by the Board of Education in June 2001, and reviewed in subsequent years.

The required elements of the code include:

- ✓ Description of appropriate and inappropriate dress, language and conduct.
- ✓ Requirement for civil and respectful treatment of teachers, administrators, students and others.
- ✓ The appropriate range of disciplinary measures for violations of the code.
- ✓ The roles of teachers, administrators, school personnel and the board of education.
- ✓ Standards and procedures for ensuring security and safety of students and school personnel.
- ✓ Provisions related to removal of students from the classroom by teachers and from school property and functions for violators of the code.
- ✓ Provisions prescribing a period for which a disruptive pupil may be removed from the classroom for each incident subject to the principal making a final determination or expiration of the period of removal.
- ✓ Disciplinary measures for serious incidents – those involving illegal substances, weapons, and the use of physical force, vandalism, violation of another student’s civil rights, harassment and threats of violence.
- ✓ Provision for detention, suspension and removal consistent with state and federal law
- ✓ Provision for continued educational programming and activities, including “alternative educational programs appropriate to individual student needs” for students removed from the classroom, in detention or on suspension.
- ✓ Procedures for reporting and determining violations, imposing discipline and carrying out such discipline.
- ✓ Provision for ensuring compliance with state and federal laws concerning students with disabilities.
- ✓ Provision for notifying local law enforcement agencies of violations constituting a crime. Provision for notifying persons in parental relation of code violations.

- ✓ Provision describing the circumstances in which a complaint in criminal court, a juvenile delinquency petition or PINS petition will be filed.
- ✓ Circumstances under which a matter will be referred to human service agencies.
- ✓ Minimum suspension periods for those who are “repeatedly substantially disruptive of the educational process” or “substantially interfere with teacher’s authority over the classroom” or those who have committed acts of violence.
- ✓ A bill of rights and responsibilities of students that focuses on positive student behavior; publicized and explained to students annually.
- ✓ Guidelines and programs for in-service training for staff to ensure successful implementation.
- ✓ Annual review and update of the Code and adoption by Board of Education is required.
- ✓ A copy of the Code and any amendments to it must be filed with the commissioner within 30 days of adoption.

Community awareness steps include providing a copy of the Code upon request.

When a decision is made to propose suspension of a student, pursuant to the Section 3214 (3), those in parental relation must be notified in writing within 24 hours of the decision. Telephone contact should also occur where possible. The notice shall inform those in parental relation of their right to an immediate informal conference with the principal. This conference must take place prior to the suspension unless the student’s presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the conference will take place as soon after the suspension as possible.

## **II. DEFINITIONS**

For purposes of this Code, the following definitions apply.

“Student” means anyone who is enrolled in the K-12 program at Ichabod Crane Central School District.

“Gender” means actual or perceived sex and shall include a person’s gender identity or expression.

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

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

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

"School function" means any school-sponsored extracurricular event or activity.

“School Employee” means any person employed by the Ichabod Crane Central School District.

“Disruptive Behavior” means any behavior that is substantially disruptive of the educational process or substantially interferes with the teacher’s authority in the classroom.

“Insubordination” means the defiance of authority and/or the refusal to obey lawful requests, orders or directives. Insubordination includes the refusal to follow District safety protocols relating to COVID-19 and intentionally engaging in other unsafe actions that put others at risk, such as using others’ belongings in school or intentionally failing to follow social-distancing protocols.

“Violent Behavior” means any violent act marked by physical force, anger, sudden or intense activity that:

1. Either harms, threatens to harm, or attempts to harm, a school employee; or
2. Either harms, threatens to harm, or attempts to harm, while on school property or at a school function, a student or any other person lawfully on school property or at a school function; or
3. Involves, while on school property or at a school function, the possession of a weapon; or
4. Involves, while on school property or at a school function, the display of a weapon; or
5. Involves, while on school property or at a school function, the threat of use of a weapon; or
6. Involves the knowing and intentional damaging or destruction of the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Involves the knowing and intentional damaging or destruction of school property.
8. An act that substantially disrupts the educational process. Such an act can occur on or off school property.

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

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

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

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.

2. Present their version of the relevant events to school personnel authorized to impose consequences.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be respected as an individual and treated fairly and with dignity by other students and school staff.
5. To express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
6. To be provided with clear expectations regarding:
  - a.) Course objectives, requirements and state standards;
  - b.) Grading criteria and procedures;
  - c.) Assignment requirements and deadlines; and
  - d.) School and classroom rules and expectations regarding behavior.

## **B. STUDENT RESPONSIBILITIES**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
4. Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Work to develop skills to manage their emotions and reactions and resolve conflict with others.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to discipline.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. To be truthful when speaking with school officials regarding Code of Conduct violations.
13. Respect personal space.
14. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
15. Report any potential safety hazard, or suspicion of potential act of violence to their teacher, building administrator or responsible adult.

## **IV. ESSENTIAL PARTNERS**

It is the express intention of this Code that the acceptable standards of behavior required of students by this Code also govern the conduct of essential partners, including teachers, school administrators, other school personnel and visitors, including parents. Included in these standards of behavior applicable to essential partners are regulations regarding hazing, harassment, dress and the possession of weapons,



except that authorized law enforcement personnel shall be allowed to possess on school grounds weapons they are authorized to possess in performing their law enforcement duties.

## **A. Teachers**

- 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 (including gender identity and expression) or sex, which will strengthen students' self-worth and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for students and student achievement.
- Know school policies and rules, and enforce them in a fair, timely, and consistent manner.
- Maintain confidentiality in conformity with federal and state law.
- Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom behavior and consequences plan
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Be open to active participation in resolving conflicts through a restorative process.

## **B. School Counselors**

- 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 (including gender identity and expression) or sex.
- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher /student/counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Maintain confidentiality in accordance with federal and state law.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Make known to students and families the resources in the community that are available to meet their needs.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students.
- Promote a trauma-responsive approach to addressing student behavior by supporting

professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.

- Be open to active participation in resolving conflicts through a restorative process.

### **C. Other School Personnel**

- 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 (including gender identity and expression) or sex.
- Maintain confidentiality in accordance with federal and state law.
- Be familiar with the code of conduct.
- Help children understand the district's expectations for maintaining a safe, orderly environment.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students.
- Be open to active participation in resolving conflicts through a restorative process.

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

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity and expression) or sex.
- Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
- Maintain confidentiality in accordance with federal and state law.
- Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
- Support the development of and student participation in appropriate extracurricular activities.
- Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- Be open to active participation in resolving conflicts through a restorative process.

## **E. The Dignity Act Coordinator(s)**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
- Address and investigate issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.

## **F. Superintendent**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
- Inform the Board about educational trends relating to student discipline
- Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
- Maintain confidentiality in accordance with federal and state law.
- Work to create instructional programs that minimize incidents of inappropriate behavior and are sensitive to student and teacher needs.
- Work with district administrators in encouraging a positive school climate, enforcing the code of conduct and ensuring that all cases are resolved promptly and equitably.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students and staff.
- Promote a trauma-responsive approach to addressing student behavior by supporting professional development and appropriate staffing.

## **G. Board of Education**

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

or at a school function.

- Address personal biases that may prevent equal treatment of all students and staff.
- The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
- Be open to active participation in resolving conflicts through a restorative process.

## **V. STUDENT DRESS CODE -**

### **A. Dress Code (K-8)**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

1. Students should wear clothing that completely covers all undergarments. Shirt and dress straps should be as wide as the straps of any undergarments, including bra straps and underwear. Additionally, undergarments should not be visible through clothing.
2. Students may not wear revealing clothing including but not limited to halter tops, beach wear, clothing made of mesh material, oversized tank tops, tops which expose cleavage or the midriff.
3. Students may not wear head covering or outerwear (jackets or coats) in school or bring to wear in school other clothing items, knapsacks or jewelry that bear wording or pictures that depict, promote, advertise or encourage the use of drugs, alcohol, tobacco products, weapons, violence, obscene language, sexual conduct, ethnic/gender bias or prejudicial statements or that is in any way demonstrably disruptive of the educational program.
4. The wearing of hanging chains from pockets and the wearing of spiked collars, spiked rings and spiked bracelets are potential hazards and are not allowed.
5. Head coverings (with the exception of religious purposes), coats, jackets, and other types of outerwear are to be kept in lockers and not worn during the course of the school day.
6. Students must comply with the dress code for physical education class.
7. Unless approved by administration, students may not carry backpacks or large bags with them during the school day.

### **B. High School Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

#### **Philosophy:**

Urging for a safe, learning environment which works to promote self expression, body-positivity, and equality;

Welcoming all students regardless of race, sex, gender identity, religion, gender expression, ethnicity, body type, and household income;

Emphasizing that the dress code should not be a barrier for education, attendance, equitable treatment, and security;

Ensuring that teachers and staff are able to explain the dress code using body-positive language to students who have violated the policy;

Insisting that clothing should not suggest, display, or denote references or mentions of alcohol, sex, drugs, and/or illegal activities.

## 1. **Dress Code:**

Certain body parts must be covered for all students at all times. Items under the “must” category are required to be worn to cover specific parts of the body including the private areas. Items under the “may” category are able to be worn if desired and items under the “cannot” category are not to be worn and are in violation of the dress code. Exceptions may include class settings in which the dress code may be altered for safety purposes (such as physical education, science settings, technology courses);

### a. **Must Wear**

- i. A shirt or dress that abides by the further requirements below (5300.25.1.c)
- ii. Some form of bottoms (pants, shorts, skirts, etc.) (not required if a dress abides by 5300.25.1.c)
- iii. Footwear at all times. Footwear that is a safety hazard will not be allowed;

### b. **May Wear**

- i. Hats, hoodies, religious headwear, etc.,
  1. Not cover the student’s face to the extent the student is not identifiable, except for a medical or religious purpose,
  2. Hats and hoods rules may vary in each classroom based on instructional or safety concerns.
- ii. Fitted pants: leggings, yoga pants, skinny jeans, etc.,
- iii. Ripped jeans as long as undergarments and buttocks are covered,
  1. Visible waistbands are not violations
- iv. Have visible straps, shirt straps may be thinner than bra or binder straps,
- v. Tank tops, including spaghetti straps, halter tops, crop tops,
- vi. Jewelry abiding by (5300.25.1.c);

### c. **Cannot Wear**

- i. Extremely brief and/or see-through garments,
- ii. items that are vulgar, obscene, libelous, or denigrate, harass, or discriminate against others on account of race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, religion, religious practice, disability, creed, national origin, ethnic group, gender (including gender identity and expression), sex, sexual orientation or disability,
- iii. Items that promote and/or endorse the use of alcohol, tobacco or controlled substances or illegal drugs and/or encourage other illegal or violent activities
- iv. Swimwear,
- v. Clothing likely to injure people or damage property, appropriate according to this code, and not substantially disrupt or materially interfere with the educational process.
- vi. Any clothing that exposes private areas or clothing that reveals undergarments (excluding bra straps, binder straps, midriff, and cleavage)
  1. Recognize that private areas must remain covered with opaque material
  2. Ensure that underwear is covered by outer clothing (visible waistbands and straps are not violations);

## 2. **If the Dress Code is Violated:**

### a. **Procedure**

- i. Remove students from location respectfully, only addressing the student themselves about the problem.
- ii. Students should be told exactly what part of their attire violates the dress code and what part of the dress code has been violated;
- iii. Determine if there are factors impacting the student's ability to adhere to the dress code.
- iv. Barring extenuating circumstances, there are three school staff members who can address a dress code concern. They are the school nurse, the Assistant Principal, and the Building Principal. If a student is uncomfortable with one of the people in these positions, they can request to speak to one of the other two designated staff members.

### b. **Students will be faced with two general options when in violation of the dress code:**

- i. Put on alternative clothing that abides by (5300.25.1.a) and (5300.25.1.c), such items can be provided by the school or brought from home,
- ii. Clothing can be turned inside-out if this change will comply with the dress code;

### c. **The Dress Code will be enforced without:**

- i. Discrimination, including discrimination based on race, sex, gender identity or expression, sexual orientation, ethnicity, religion, culture, household income, body type,
- ii. Shaming,
- iii. Requesting to check if attire fits (ie. bending over, measurements),
- iv. Public confrontation.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

Each Building Principal or designee is responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Enforcement of this dress code must be approached with careful consideration and sensitivity, with the goal of supporting students in reaching their full potential, not shaming or criminalizing them, and to minimize loss of instructional time. Staff are expected to address dress code violations with students privately, determine if there are factors impacting the student's ability to meet the dress code, and help address these issues. Students whose appearance violates the student dress code are 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 will 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 will be subject to further discipline, up to and including out of school suspension.

# CODE OF CONDUCT K-12

## VI. DISCIPLINE CODE FOR STUDENT BEHAVIOR

There are a variety of disciplinary responses made to misbehaviors at the Kindergarten - Grade 12 level. Classroom misbehavior should typically be dealt with directly by the teacher or staff member in the setting where the infraction occurred. Teachers and staff are encouraged to make connections between the child's misbehavior and other more appropriate choices or alternatives. Parental involvement is seen as an essential component in the development of appropriate school behaviors.

However, there are times when a child will do something both unexpected and disruptive in the educational setting, which must be dealt with immediately by an administrator. If any student (K –12) threatens another student with physical harm, the administrator will follow the following protocol:

- The "threat of harm" will be assessed by the administration.
  - Parents will be appropriately contacted.
  - Code of Conduct will be enforced.
1. In an effort to ensure a safe environment for all students, from time to time, the District may allow law enforcement entities to search the middle and high school as well as the high school parking lot. Such actions may include, but are not limited to, the use of bio-sensor K-9 units. When possible, the School Resource Deputy will assist in these searches.
  2. Upon the required degree of suspicion, all cars parked on District premises by students are subject to search by District administrators or law enforcement.

The following pages contain descriptions of common disciplinary infractions and possible responses and disciplinary procedures.

## VII. BULLYING, CYBERBULLYING, HARASSMENT, OR INTIMIDATION: DIGNITY FOR ALL STUDENTS ACT

### A. Prohibition of Bullying

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts. To this end, the Board condemns and strictly prohibits all forms of discrimination on school grounds, school buses, bus stops and at all school-sponsored activities, programs and events. Additionally, it is the policy of the Ichabod Crane School District to fully comply with the Dignity for All Students' Act and to prohibit bullying, cyberbullying, harassment, or intimidation of any kind on district property, on district transportation, at school-sponsored events or functions or by use of electronic technology either on or off school premises, where the conduct substantially disrupts the school environment and which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students. Such behaviors are prohibited and

may be subject to disciplinary consequences. It is the policy of the Ichabod Crane School District to prohibit reprisal or retaliation against any individual who reports acts of bullying, cyberbullying, harassment, or intimidation, or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, cyberbullying, harassment, or intimidation. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or a Superintendent Hearing.

Underlying this Code of Conduct is the philosophy that all members of the Ichabod Crane school community be provided a safe haven for learning and growing, a secure, orderly and nurturing environment in which to achieve their full potential.

In accordance with the Dignity for All Students' Act, "Dignity Act Coordinators" (DACs) shall be annually appointed by the Board of Education with one DAC appointed per school building. The DACs shall be persons thoroughly trained in methods to respond to human relations in the areas of: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. DACs shall be trained to appropriately consult staff and students and to provide an initial response to reports of harassment or discrimination.

Students, parents, and staff are expected to report incidents of discrimination, harassment and bullying to a teacher, principal, DAC or another staff member. Material incidents of harassment or discrimination on school grounds or at school functions shall be reported to the NYS Department of Education as required by the Commissioner of Education.

Acts of harassment or discrimination by students are addressed in this Code of Conduct in accordance with the Responses to Student Behaviors, set forth subsequently. The Dignity for All Students' Act also requires that remedies focus on discerning and correcting the reasons why discrimination and harassment occurred. Remedial measures to correct the behavior may include: behavior assessment or evaluation; establishment of behavior management plans, where appropriate; student counseling; parent conferences; relevant learning; peer support groups; other supportive interventions.

## B. Definitions

**Bullying:** under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

**Cyberbullying:** is defined as harassment (see below) through any form of electronic communication.

**Discrimination:** is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which the person belongs (as enumerated in the definitions section, under Harassment, below).

**Hazing:** is an induction, initiation or membership process involving harassment which 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 (see also Hazing Policy below).

**Harassment(of students or staff):** is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, 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; reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or, occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (including gender identity and expression), or food allergy. For the purpose of this definition the term 'threats, intimidation or abuse' shall include verbal and non-verbal actions.

**Electronic Communication:** means a communication transmitted by means of an electronic/digital device, including but not limited to: a telephone, cellular phone, computer, laptop, pager, or other hand-held device. It further includes, but is not limited to, communications transmitted by way of email, text message, instant message, voicemail, social networking sites, webpage, video, blogs and twitter.

Students or parents should make District staff aware of any situation that may be bullying or harassment.

### C. Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed not only to decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Elements of this program may include:

- Parental Communications: Letters, Phone Calls, Emails
- Parent/Teacher and Parent/Teacher/Administrator Conferences
- Administrative and/or School Resource Deputy Counseling/Advising
- Peer Mediation
- Disciplinary Consequences as outlined in the Code of Conduct
- Special Education modifications as warranted
- Student Support (an in-house at-risk intervention program)
- Mentor Program
- Outside Agencies including:
  - School and Community Based Prevention
  - Probation
  - Child Protective Services (CPS)
  - Department of Mental Health
  - Department of Social Services
  - Reach Center
- Counselor, Guidance Counselor and Psychologist involvement
- National Honor Society
- National Coalition Building Institute (NCBI)

- Friends of Rachel (FOR)
- Bullying Awareness assemblies/presentations
- Cyber Safety assemblies/presentations
- Parent/Community Bullying/Cyber Safety Forums
- Individual/Group Counseling as warranted
- Morning Program Character Development
- Team/Parent/Student Meetings
- Child Study Team (CST)
- School Based Intervention Teams (SBIT)
- Career Day
- Jr. SAVE /SAVE
- Freshman/Senior Seminar
- Professional Development Opportunities
- Law Enforcement

### **Intervention**

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individuals(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### **Provisions for students who do not feel safe at school**

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building administration and/or DAC. The building principal, other appropriate staff, the student and the student's parents will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, acts of bullying may still occur. When complaints are received an investigation will be conducted by district personnel. When the

investigation determines that bullying has occurred, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age appropriate will be taken by the administration in accordance with the Code of Conduct. If the behavior rises to the level of criminal activity, law enforcement will be contacted. If necessary a Student Safety Plan will be created for a student who has been involved in an incident.

### **Reporting Complaints**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of bullying, cyberbullying, harassment, or intimidation, and persons with knowledge of such report the incident immediately. District personnel will promptly investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary for a thorough investigation. Forms for reporting incidents of bullying, cyberbullying, harassment, or intimidation are located in the Main Office of each school building and on our District website at [www.ichabodcrane.org](http://www.ichabodcrane.org).

## **Hazing**

The Board of Education recognizes that hazing, of students and staff is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying hazing, in schools is essential to ensure a healthy environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of hazing. To this end, the Board condemns and strictly prohibits all forms of hazing on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

### **General Statement of Policy**

- A. No student, teacher, administrator, volunteer, contractor or other employee of the district shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy or the enforcement of this policy.
- D. This policy applies to behavior directly connected to school activities that occur on or off school property and before, during and after school hours.
- E. A person who engages in an act that violates school policy or law shall be subject to discipline for that act.

### **Hazing Definitions**

“Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:

1. Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate (conduct has the potential to endanger the mental or physical health of a student).
2. Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restraint or confinement, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation that adversely affects the health or dignity of the students or discourages the student from remaining in school.
4. Any activity that causes or requires the student to perform a task or act that involves violation of state or federal law or of school district policies or regulations.

### **Reporting Complaints**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of hazing, and persons with knowledge of hazing report the incident immediately. District personnel will promptly investigate all complaints of hazing formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary for a thorough investigation. Forms for reporting incidents of hazing are located in the Main Office of each school building and on our District website at [www.ichabodcrane.org](http://www.ichabodcrane.org).

### **Investigation/Resolution**

If, after appropriate investigation, the district finds that a student, an employee or a third party including parent/guardian has violated this policy, prompt corrective action will be taken in accordance with the appropriate collective bargaining agreement, district policy and state and federal law.

All complainants and those who participate in the investigation have the right to be free of retaliation of any kind. The complainant will be notified of the outcome of the investigation.

Copies of forms to use when reporting incidents of this nature are located in each building's Main Office, Guidance Office, District's Central Office and on the District's Webpage.

## **Electronic Use Policy K - 12**

### **COMPUTERS AND OTHER DIGITAL DEVICES:**

The Board of Education seeks to maintain a safe and secure environment for students and staff. Advances in technology have made it possible to expand the learning environment beyond traditional classroom boundaries. Using personal electronic devices during instructional time can enable students to explore new concepts, personalize their learning experience and expand their global learning opportunities. Additionally, the use of personal technology devices is ubiquitous in today's society and standards for student use during non-instructional time should adapt to this change. This policy defines the use of personal technology during instructional and non-instructional times and reinforces the standard that all use, regardless of its purpose, must follow the guidelines outlined in the Student Acceptable Use Policy (AUP), the District's Code of Conduct, and the Dignity for All Students Act.

### **Instructional Uses**

Instructional purposes include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework and other activities as deemed appropriate by school staff. Personal technology use by students is permitted during the school day for educational purposes and/or in approved locations only. Teachers will indicate when and if classroom use is acceptable. Students are expected to act responsibly and thoughtfully when using technology resources. Students bear the burden of responsibility to inquire with school administrators and/or teachers when they are unsure of the permissibility of a particular use of technology prior to engaging in such use.

### Non-Instructional Uses

Appropriate use of personal technology during non-instructional time is also allowed if students follow the guidelines in the AUP and Code of Conduct. Non-instructional use includes texting, calling and otherwise communicating with others during free periods and in common areas of the school building such as the hallways, cafeteria, study halls, buses and student lounges. Other non-instructional uses may include such things as Internet searches, reading, listening to music, and watching videos. This use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

### Liability

The District shall not be liable for the loss, damage, misuse, or theft of any personal technology brought to School. The District reserves the right to monitor, inspect, and/or confiscate personal technology when administration has reasonable suspicion to believe that a violation of school policy or criminal law has occurred.

The Board expressly prohibits use of technology (district-owned or personal) in locker rooms, restrooms, Health Offices, and any other areas where a person would reasonably expect some degree of personal privacy.

### Disciplinary Responses:

Failure to comply with the District's computer use policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges and/or police intervention when appropriate. It shall be a misuse or abuse of the privilege of using computers for a student to use any computer system, software, or hardware in any school for a purpose that is not directly related to classroom instruction, that is not part of an approved computer curriculum, or that is not approved in advance by a teacher, principal, or other administrator.

Student misuse of computers shall also include but not be limited to:

- Changing or causing the change of any settings, programs or functioning of any hardware or software.
- Visiting Internet sites during a class that are not related to that class.
- Visiting Internet sites that contain adult material, pornography, or other similar information.
- Sending/receiving email via a school computer without prior authorization from an employee of the District.
- Any mutilation of network equipment
- The intentional disconnection of network devices (such as: PC and components, printers, wireless access points, switches) by disconnecting power or their cables attached to them.
- Gaining access to any District-related administrative computer programs without explicit authorization and/or gaining access to user IDs that have **not** been assigned to them by the Instructional Technology Dept. and/or an administrator.

It shall also be considered misuse if a student uses his/her own computer/device on school property to:

- Visit Internet sites during a class that are not related to that class.
- Visit Internet sites that contain adult material, pornography, or other similar information.
- Gain access to any District-related administrative computer programs without using a password that has been assigned to them by the Instructional Technology Dept. or an administrator.
- Download from Internet sites any unauthorized software
- Upload to a PC or laptop any unauthorized software

Violations of the Computer Use Policy shall be considered Level II, III or IV infractions depending on the severity of the infraction. Additionally, the student may be barred from using the Ichabod Crane computer system or any of its components for an extended period of time up to one calendar year. The above applies to conduct both on and off school property, that results in a disruption of the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd or otherwise illegal images or photographs will be subject to disciplinary action and may be reported to local law enforcement.

## **VIII. DISCIPLINE PROCEDURES K-8**

### **Teacher's Removal of a Student from Class:**

Removal may take place when a student's behavior is disruptive of the educational process or interferes with the teacher's authority over the classroom. The student will be sent to a supervised area.

### **Disciplinary Probation – Middle School/Elementary School**

Any student receiving three or more referrals or one level three infraction for misbehavior during each ten week period may be placed on disciplinary probation for a 25 school days that will begin on the day of the occurrence of the third referral. Students involved in a serious incident (i.e., fighting, stealing, etc.) also may be immediately placed on disciplinary probation at the discretion of the principal.

If a student who is already on disciplinary probation receives a referral, the date of removal from the ineligibility list will be extended an additional twenty-five school days.

### **Ineligibility Rules**

Students who are placed on disciplinary probation will:

- Not be allowed to participate in the following: Activity Nights, Ski Club, After School Clubs, Interscholastic or Modified Sports, Intramurals, Student Council, and/or any non-educational afterschool activity
- Loss of all pass privileges (pre-signed passes will be honored)
- Participate in field trips only if their parent or guardian accompanies them as a chaperone or if special arrangements can be made (subject to administrative and team approval).

A notification will be sent to the parent or guardian of any student placed on disciplinary probation. A student will have the opportunity to **appeal** disciplinary probation after two weeks. An appeal form must be filled out and submitted to the Assistant Principal for review.

## **LEVEL I**

## **INFRACTIONS**

1. Unexcused lateness to class or school
2. Abuse of hall or lavatory privileges
3. Hazardous horseplay
4. Use of language inappropriate for school environment
5. Throwing objects
6. Disruptive behavior in class or on school grounds
7. Abusive use of school property
8. Dress Code Violation: see Section V. Student Dress Code (page 10).
9. Being in unauthorized areas
10. Unauthorized use or possession of radios, tape recorders, electronic games, iPod or MP3 -type devices, pagers, cellular phones, electronic devices capable of taking or transmitting pictures, liquid containers, perfume, after-shave bottles, breath sprays, water guns, etc.
11. Wearing of head covering (Middle School), including visors
12. Littering
13. Inappropriate displays of affection
14. Failure to comply with the dress code for physical education class
15. Use of backpack in school without permission

## **Disciplinary Responses**

1. Teacher counseling of student/verbal reprimand
2. Seat change
3. Parental contact if warranted
4. Behavior contract
5. Restriction of privileges
6. Temporary removal from class to supervised area
7. Referral for Misbehavior written if appropriate and may be kept on file
8. Detention - as appropriate to building and assigned by administrator: Refusal to attend detention will result in having two detentions assigned. Failure to report to additional detentions will result in In-school Suspension (Middle School)
9. Confiscated items will be held in the main office. As deemed appropriate by the administrator, the item(s) may be returned at the end of the day, or, in some cases, item(s) may be returned to a parent/guardian on a time and date as determined by the administrator. If appropriate, item(s) may be released to law enforcement personnel. The District does not assume responsibility for lost or stolen items that have been confiscated.

## **LEVEL II**

### **INFRACTIONS**

1. Repeated Level I infractions
2. Pushing/Shoving/Tripping/Hitting
3. Leaving or cutting class and/or school (truancy) without permission (truancy) - *please note:* a class cut includes leaving the supervision of the teacher during a fire drill or any other type of evacuation or an assembly program.
4. Forging a parent/guardian signature
5. Possession of cigarettes, lighter, matches or other tobacco products
6. Use of profanity and/or obscene language
7. Possession or use of laser pointers
8. Possession, use, sharing, distributing of dangerous edible substances, including but not limited to hot sauces, hot peppers and herbs and spices.
9. Cheating
10. Lying

11. Hazardous horseplay
12. Disruption in class or on school premises
13. Excessive class tardiness.
14. Violation of District Computer Use Policy (depending on severity of infraction)
15. Vandalism of any district owned computer technology - See Student Handbook
16. Damaging district owned computer technology as a result of carelessness - See Student Handbook

### **Disciplinary Responses**

1. Continuation of Level I options
2. Referral for misbehavior will be written and mailed home
3. Parental conference if requested by either parent or administrator
4. Temporary withdrawal of certain privileges/extra-curricular activities. (At the Middle School level, three (3) or more referrals in a given “quarter” will result in the student being placed on Disciplinary Probation)
5. In-School Suspension

## **LEVEL III**

### **INFRACTIONS**

1. Repeated Level II Infractions
2. Truancy
3. Stealing
4. Possession or distribution of pornographic or inappropriate materials
5. Threatening harm directly or indirectly/intimidating others
6. Vandalism of school or personal property
7. Initiating a false alarm/bomb threat
8. Arson or detonation/possession of an incendiary device, fireworks or unauthorized chemical device
9. Use, sale, possession, distribution or being under the influence of drugs including non-authorized prescription or over-the-counter medications, synthetic cannabinoids, alcohol or other controlled substances on school district property or at any school activity
10. Possession and/or use of firearms or weapons.
11. Fighting - a student who willingly provokes a fight or willingly participates
12. Extortion
13. Use of statements relating to racial, sexual, ethnic, religion, gender, or disabling conditions or other prejudicial statements, to the extent that they are determined to threaten violence to create a hostile educational environment or otherwise to disrupt the District’s educational programs and activities.
14. Verbal or physical harassment of students, staff member, volunteer, contractor, visitor, or any person present on school property, in a school vehicle, or at any school-sponsored program or activity.
15. Defiance/insubordination/disrespect/refusal to follow requests or directives
16. Use of profanity and/or obscene language being directed to students, staff member, volunteer, contractor, visitor, or any person present on school property, in a school vehicle, or at any school-sponsored program or activity.
17. Violation of District Computer Use Policy (depending on severity of infraction)
18. Possession or use of cigarettes or other tobacco products, lighters, matches or drug paraphernalia. This includes vapor pens or electronic cigarettes or anything associated with these products (I.E. chargers) Possible Superintendent Hearing; possible referral to Columbia County Health Department as a violation of the Public Health Law. Possible out-of-school suspension from school



one (1) to five (5) days and/or, if deemed appropriate by the building principal, voluntary participation and completion of a tobacco education/cessation program as approved by the District.

19. Hazing/Harassment – Hazing in any form, including initiation, which is degrading, is strictly forbidden by New York State law. No student shall conspire to engage in hazing, participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, personal degradation or disgrace, resulting in physical or mental harm to any fellow student or other person. It is understood that hazing of any kind is not allowed on this campus. It is further understood that we have a duty to report any acts of hazing we see or know of to a coach, teacher or administrator, and participation in or failure to report any hazing will result in an immediate disciplinary review and appropriate disciplinary consequences.
20. Bullying, cyberbullying, harassment or intimidation of others as defined in Section VIII.
21. Possession of any drug paraphernalia
22. Violation of District Computer Use Policy (depending on severity of infraction)
23. Vandalism of any district owned computer technology - See Student Handbook
24. Damaging district owned computer technology as a result of carelessness - See Student Handbook

### **Disciplinary Responses**

1. Continuation of Level II Procedures
2. Involvement/Referral to appropriate outside agency
3. Appropriate restitution if warranted
4. Suspension from school - not to exceed five (5) days - *please note*: students must be accompanied to school by a parent following an out-of-school suspension.
5. Superintendent's Hearing - *please note*: a hearing will be automatic after a second or subsequent incident of fighting, other Level III infraction or for a second or subsequent infraction of using tobacco products on school grounds
6. Parent is notified

## **IX. ICHABOD CRANE HIGH SCHOOL**

### **THE DISCIPLINARY SYSTEM: AN EXPLANATION**

The High School's Disciplinary System is composed of rules, which seek to make students' expected behavior clear, concrete, and reasonable. When students break the rules, the school's response is varied, depending upon the severity of the infraction and other relevant factors. The student will receive a copy of the form. One copy will be retained by the faculty or staff member, one will be sent to the student's legal guardian and the original will be placed in the student's discipline file. For all infractions, demerits may be assigned.

### **DEFINITIONS:**

**LUNCH DETENTIONS:** Administrators may assign one or more days of lunch period detention in the In-School Suspension Room or other designated room as a response to disciplinary infractions.

**TEACHER ASSIGNED DETENTION:** Teachers may assign students to a detention with them providing reasonable notice is given. Failure to report to a teacher assigned detention will result in additional disciplinary action as prescribed in the Discipline Policy.

**AFTER-SCHOOL DETENTIONS:** Administrators may assign students to detention either with them or with a designee providing reasonable notice is given. Failure to serve the detention will result in additional consequences.

**IN-SCHOOL SUSPENSION:** In-School Suspension (ISS) is assigned, in some cases, as an alternative to an out of school suspension. It is also assigned as an early intervention as a student begins to

accumulate demerits or as an intervention when a student is a discipline problem in a particular class. Students will be expected to complete class assignments forwarded by teachers.

**OUT-OF-SCHOOL SUSPENSION:** Suspension from school denies a student participation and attendance at all school activities for a specific period of time. Immediate suspensions by the building principal of up to five (5) days will occur if a student's action endangers the health, safety, or welfare of others. Students may be suspended out of school for a period of time as a result of either a formal or informal hearing.

**COMMUNITY SERVICE:** Students may be assigned to work in the High School or some other school building during the school day or after school instead of assigning them to out-of-school suspension. They could possibly push a floor mop, wash boards, clean the cafeteria, or a school bus, etc. Parent permission is required for this alternative consequence.

**TEACHER REMOVAL FROM CLASS:** Removal may take place when a student's behavior is disruptive of the educational process or interferes with the teacher's authority over the classroom. The student will be sent to a supervised area.

**PEER MEDIATION:** Peer Mediation is a proven successful program that allows the two sides of a student disagreement to sit down and discuss and resolve their differences. We encourage students to use this program as an alternative to arguing or fighting. Students may refer themselves or their friends for mediation.

**RESTORATIVE JUSTICE:** Restorative Justice is a prescribed meeting method which seeks to repair the harm done by wrongdoing through face-to-face meetings with those who have been directly impacted. The goal of a restorative justice meeting is to hold offending students accountable for their actions, while also addressing the needs, fears and concerns of victims and the wider school community.

### **SPECIFIC POLICIES**

#### **DRESS CODE:**

See Section V. Student Dress Code (page 12)

**Disciplinary Response:** Students will be directed to take one of the following actions:

- ⇒ Faculty, staff or administration will ask the student to comply with a request to remove, cover, or turn inside out the offending item of apparel. If the student refuses to comply with the request, they will be reported immediately to an administrator for action.
- ⇒ Remove the item of clothing or hat and place it in their locker
- ⇒ Cover the item of clothing with another item of clothing
- ⇒ If appropriate, turn the item of clothing inside out so that the offensive words or pictures are not visible
- ⇒ With parental approval, return home to change to other clothing

#### **ELECTRONIC DEVICES/INTERNET:**

Unauthorized use or possession of radios, tape recorders, electronic games, iPod or MP3 type devices, pagers, laser pointers, cellular phones, electronic devices capable of taking or transmitting pictures or other similar devices is prohibited during the school day.

Student misuse of electronic devices and the Internet shall also include but not be limited to:

- Using the Internet, telephones, cell phones or other means to bully, embarrass, discriminate, threaten, harass or denigrate other students or school personnel
- Posting of sensitive, private information/images of/about another person
- Assuming another's identity without permission (i.e. on social networking site)

- Take and/or distribute unauthorized pictures of students or staff that may be inappropriate or objectionable
- Filming or recording of students and/or staff without permission from a staff member

**Disciplinary Responses:** Each time, the device will be taken from the student and delivered to an administrator, and if warranted, delivered to appropriate law enforcement personnel. In addition, one or more of the following actions will be taken:

- ⇒ It may be returned to the student at the end of the school day
- ⇒ It may be held until it can be picked up by the parent/guardian of the student
- ⇒ Repeated offenses may result in the student being assigned to In-School Suspension
- ⇒ May be treated as a Level 3 or 4 infraction depending on circumstances.

**SMOKING/VAPING/E-CIGARETTES:**

Smoking/use of other tobacco products, vapor pens or electronic cigarettes in or on school grounds is forbidden by New York State Law. Tobacco products, smoking devices and supplies will be confiscated by school administration and they will not be returned.

**Disciplinary Responses:**

Possible Superintendent’s hearing; possible referral to Columbia County Health Department as a violation of the Public Health Law and/or suspension from school one (1) to five (5) days and/or if deemed appropriate by the building principal, voluntary participation and completion of a tobacco education/cessation program as approved by the District.

**SCHOOL DANCES AND ACTIVITIES:**

Students and guests attending special activities like dances are expected to follow all the aspects of the Code of Conduct as though they were at a regular class during a regular school day.

**DRUG USE/POSSESSION:**

To ensure the safety and well-being of all, students found to be selling, using or in possession of drugs on school property or at school events will be suspended from school for a minimum of five days, a Superintendent’s hearing will be scheduled and Law Enforcement will be contacted.

Students suspected of being under the influence of drugs or alcohol may be subject to an assessment to determine if the student is under the influence. A search of the student’s belongings may be warranted along with a search of the student’s locker and vehicle. Parents will be notified. Refusing to participate in a search will result in an immediate five-day suspension and a Superintendent’s hearing. Law enforcement will also be notified.

**BREATHALYZER:**

Students who are suspected of being under the influence of alcohol on school property or at school activities will be required to submit to a breathalyzer test.

**PARKING PRIVILEGE CONTRACT:**

Students and their parents will be required to sign a parking privilege contract at the time a parking permit is requested. Failure to comply with the contract stipulations may result in a temporary or permanent loss of parking privileges and possible disciplinary consequences. Students and parents should be aware that all vehicles parked on campus are subject to search by school district officials or law enforcement officers as part of general sweeps of the campus by specially trained K-9 units.

## LEAVING SCHOOL DURING THE SCHOOL DAY:

Ichabod Crane High School is a closed campus. Students may not be excused on a regular basis during lunches and study halls. Students who leave without permission will face loss of parking privileges and/or and other disciplinary consequences.

### LEVEL I

#### INFRACTIONS

1. Late to class / homeroom / in the hall without a pass after the late bell has sounded
2. Inappropriate public displays of affection
3. Failure to stay for a teacher-assigned detention
4. Late to school without a note
5. Dress code violation
6. Use of a backpack in school without permission
7. Unauthorized use or possession of radios, tape recorders, electronic games, and iPod or MP3 -type devices, pagers, cellular phones, electronic devices capable of taking or transmitting pictures, liquid containers, perfume, after-shave bottles, breath sprays, water guns, etc.
8. Inappropriate Behavior
9. Abuse of hall or lavatory privileges
10. Being in an unauthorized area
11. Disruptive behavior in class / school
12. Hazardous horseplay
13. Left class without permission
14. Littering
15. Loud / Inappropriate language
16. Teasing / Annoying other students

#### Disciplinary Responses (alone or in any combination)

1. Assignment to lunch detention by an administrator.
2. In-school community service as assigned by an administrator.
3. A documentation of the infraction may be filed in the administrator's office.
4. Referral to the school psychologist or guidance counselor for an informal counseling/problem solving session.
5. Teacher counseling/verbal reprimand
6. Seat change
7. Temporary removal from class to a supervised area with administrative approval.
8. Loss of parking privileges
9. Items in violation of the code of conduct will be confiscated.-Confiscated items will be held in the main office. As deemed appropriate by the administrator, the item(s) may be returned at the end of the day, or, in some cases, item(s) may be returned to a parent/guardian at a time and date as determined by the administrator. If appropriate, item(s) may be released to law enforcement personnel. The District does not assume responsibility for lost or stolen items that have been confiscated.
10. Restriction of hall pass privilege.
11. At the discretion of the administrator, students may be asked to **write an essay** reflecting on their behavior.

### LEVEL II

#### INFRACTIONS

1. Repeated Level I infractions.
2. Class, homeroom, advisory, study hall or lunch cuts - ***please note:*** a class cut includes leaving the supervision of the teacher during a fire drill or any other type of evacuation or an assembly program.

3. Disobedience/Insubordination
4. Cafeteria misconduct
5. Verbal or physical harassment of students or staff member
6. Leaving school early without prior, verified permission
7. The use of inappropriate language
8. Disruptive behavior
9. Unauthorized possession or use of laser pointers.
10. The playing of any physical game in an unregulated or unsafe manner.
11. Possession or distribution of pornographic or inappropriate materials
12. Lying / Cheating
13. Driving / Riding / Parking Infraction
14. Failure to report to detention as directed
15. Hazardous Horseplay
16. Skipped / Missed detention
17. Violation of District Computer Use Policy (depending on severity of infraction)
18. Vandalism of any district owned computer technology - See Student Handbook
19. Damaging district owned computer technology as a result of carelessness - See Student Handbook

**Disciplinary Responses (alone or in any combination)**

1. Continuation of Level I Possible Disciplinary Procedures.
2. Parent conference.
3. In-school suspension as assigned by an administrator - *please note*: in-school assignment must be served prior to a student resuming regular classes.
4. Administrator will meet with the student and/or teacher; parent may be contacted directly.
5. Behavior contract.
6. In the case of class cuts, parents may be contacted directly in the first instance by a clerical person and for subsequent infractions by the classroom teacher and/or the building administrator.

**LEVEL III**

**INFRACTIONS:**

1. Repeated Level II Infractions
2. Truancy / Left school without permission
3. Threatening harm directly or indirectly/intimidating others. This includes by electronic means as defined above.
4. Vandalism/misuse or abuse of school property. An act of vandalism or theft may be treated as a Level IV infraction, depending on the circumstances and/or cost involved.
5. Theft. An act of vandalism or theft may be treated as a Level IV infraction, depending on the circumstances and/or cost involved.
6. Possession or use of cigarettes or other tobacco products, lighters, matches or drug paraphernalia. This includes vapor pens or electronic cigarettes or anything associated with these products (I.E. chargers).
7. Possession, use, sharing, distributing of dangerous edible substances, including but not limited to hot sauces, hot peppers and herbs and spices.
8. Sexual activity on school premises or overt simulation of a sex act (may be treated as a Level IV infraction depending on circumstances).
9. Bullying, cyberbullying, harassment or intimidation of others as defined in Section VIII.
10. Promoting or encouraging fighting or physical assault of other people.
11. Making, modifying, or distributing unauthorized videos of students or staff, including videos made by modification of posted educational resources or material from social media.
12. Insubordination/Refusal to comply.

13. Disrespect to staff member
14. Forgery
15. Violation of District Computer Use Policy (depending on severity of infraction)
16. Vandalism of any district owned computer technology - See Student Handbook
17. Damaging district owned computer technology as a result of carelessness - See Student Handbook
18. Inappropriate behavior / language
19. Profanity or gestures directed at staff
20. Disruptive / Dangerous behavior
21. Physical Harassment

#### **Disciplinary Procedures (alone or in any combination)**

1. Continuation of Level I and II Possible Disciplinary Procedures.
2. Possible informal hearing for repeated offenders.
3. Possible one (1) to five (5) day(s) of out-of-school suspension - *please note*: students must be accompanied to school by a parent following an out-of-school suspension.
4. Parent is notified.
5. Involvement of appropriate agencies.
6. Loss of privileges to attend extra-class and/or special events — i.e., athletic meets, theatrical productions, the prom, graduation.
7. Restitution as appropriate.
8. Loss of pass privileges
9. Loss of opportunity to participate in extra-curricular activities such as sports, clubs, dances, etc. for a period up to 5 weeks depending on the number of referrals a student has accumulated.

#### **LEVEL IV**

Students who are known to have committed one of these infractions will be escorted immediately to the administration by the faculty or staff.

#### **INFRACTIONS:**

1. Repeated Level III Infractions.
2. Verbal or physical abuse of a faculty or support staff member, administrator or other member of the school community.
3. Fighting
4. Use, sale, possession, distribution or being under the influence of drugs including non-authorized prescription or over-the-counter medications, synthetic cannabinoids, alcohol or other controlled substances on school district property or at any school activity. Students who are suspected of being under the influence of alcohol on school property or at school activities will be required to submit to a breathalyzer test.
5. Arson or detonation/possession of an incendiary device, fireworks or unauthorized chemical device.
6. Initiating a false alarm/bomb threat.
7. Possession of a dangerous weapon in school or on school district property or at any school activity.
8. Use of any object as a weapon to inflict pain or cause bodily harm to another individual.
9. Threatening harm or intimidating others
10. Acts of Hazing/Harassment (see information in Section VII - Discipline Code for Student Behavior)
11. Sexual Harassment
12. Attempting to gain unauthorized access, or attempting to compromise District-owned computer equipment, software or network settings.
13. Indecent Exposure
14. Prejudicial statements

### **Disciplinary Procedures (alone or in any combination)**

1. Continuation of appropriate responses from Level I, II and III.
2. Conference with parent, student and/or appropriate staff member(s) and outside agencies.
3. Continuation of Appropriate Possible Disciplinary Procedures from Levels I, II and III.
4. These offenses may carry one (1) to five (5) days of out-of-school suspension assigned by an administrator.

Additional action may include any combination of the following:

5. Appropriate involvement by police or other outside agencies.
6. Superintendent's Hearing - *please note*: a hearing will be automatic after a second or subsequent incident of fighting or some other Level IV infraction.
7. Restitution as appropriate.

## **X. STUDENT RIGHT TO PROCEDURAL DUE PROCESS**

### **A. Student Right to Procedural Due Process – Generally**

Students will be afforded procedural due process in all instances where student behavior in violation of this Code of Conduct may result in the imposition of a school response.

Generally, such due process shall include the following:

1. The student must be given notice verbally or in writing of the specific behavior in question.
2. The student must be given the opportunity to appear informally before the person authorized to impose a school response to the alleged behavior in order to discuss the allegation. The student must be given an opportunity to address the allegation.
3. After consideration of all the facts, the person authorized to impose a school response to the alleged behavior shall determine whether a school response is in order. If so, the response shall be consistent with the range of responses prescribed for the inappropriate behavior in the Code of Conduct. In determining the school response, the following factors shall be taken into consideration: any mitigating or aggravating circumstances surrounding the behavior; the student's prior record of conduct; the student's age; the student's intent; and other information deemed pertinent.

### **B. Student Right to Procedural Due Process, Removal from the Classroom**

A teacher may remove a student from the classroom for disciplinary and non-disciplinary reasons. Non-disciplinary removal would include a visit to the principal's office, guidance or counselor's office to discuss inappropriate behavior or a "time-out" to enable a student to regain control or composure.

Disciplinary removal will constitute any removal of a disruptive student from the classroom in excess of one school day. A student removed from a classroom for disciplinary reasons shall be placed in an alternative classroom where educational programming shall be provided. A teacher may remove a disruptive student (6–12) from his/her classroom for up to two (2) days. In K-5, a student can be removed for a time period not to exceed 60 minutes. In the event a teacher wishes to remove a student from the classroom the student shall be afforded procedural due process as follows:

1. The teacher must inform the student that s/he is going to be removed from the classroom.
2. The teacher must specifically explain to the student why s/he is to be removed.
3. The teacher must give the student an opportunity to explain or respond.
4. The teacher may then decide to remove the student from the classroom.

However, a teacher may remove a student who poses a danger or ongoing threat of disruption from his/her classroom immediately. In the event of such removal, the following procedures must be followed within 24 hours of the removal:

1. The teacher must explain to the student why s/he was removed from the classroom.
2. The teacher must give the student the opportunity to provide an explanation of the incident(s) that led to the removal.

When a teacher removes a student from the classroom, the teacher must appropriately notify the building principal. The student must be sent to the principal's office or an alternative classroom specifically designated for the purpose of receiving students who have been removed from the class. The teacher must complete the District prescribed student removal form and provide it to the principal of the school as soon as possible but no later than the end of the school day.

As soon as possible and no later than 24 hours after the removal, the principal must provide telephonic and written notification to the student's parents or guardian of the removal and the circumstances that led to the removal. The notice must inform the parents of their right to request an informal meeting with the principal to discuss the reasons for the removal. Written notice must be by personal delivery, express mail, or some other means to reasonably ensure parental notification within 24 hours. If requested by the parents, the informal meeting must be held within 48 hours of the removal. If the parents agree, the meeting may be held at another mutually convenient time. The principal may require the teacher who removed the student from the classroom to be present at the informal conference with the parents.

A principal or designee may overturn a teacher's removal of a student from the classroom upon a finding that:

1. the charges against the student are not supported by substantial evidence;
2. the removal is in violation of the law or the District's policies, regulations or procedures; or
3. the conduct warrants suspension from school pursuant to a superintendent's hearing (Education Law S3214) and such suspension will be imposed.

Such determination may be made at any time from the principal's receipt of the student removal form to the close of the business day following the 48-hour period for the informal conference. A disruptive student removed from the classroom by a teacher shall be provided continued educational programming and activities until allowed back into the classroom.

The District shall prescribe forms upon which each teacher shall maintain a record of all cases of removal of a student from his/her classroom and upon which each principal shall maintain a record of each removal of a student from a classroom in the school for which s/he is responsible.

\*Students with disabilities, please see Section XII.

### **C. Student Right to Procedural Due Process, Suspension from School**

The Superintendent or a principal may suspend a student from school for a period not to exceed five (5) days. In the event the superintendent or a principal proposes to suspend a student for a period not to exceed five (5) days, the student shall be afforded procedural due process follows:

1. The student must be verbally notified.
2. If the student denies the allegations, s/he must be provided with an explanation of the rationale for the suspension.
3. As soon as possible and within 24 hours of the decision to propose suspension, the principal/superintendent must provide telephonic and written notification to the student's parents or



guardian of the proposed suspension and the circumstances that led to the decision. The notice must inform the parents of the specific charges against the student and a description of the incident that led to the charges. It shall also provide notification of their right to request an informal meeting with the principal to discuss the reasons for the suspension. Written notice must be by personal delivery, express mail or some other means to reasonably ensure parental notification within 24 hours.

4. If requested by the parents, the informal meeting must be held within 48 hours of the removal. If the parents agree, the meeting may be held at another mutually convenient time. The principal/superintendent may require the teacher who removed the student from the classroom to be present at the informal conference with the parents. The parents shall have the opportunity to ask questions of complaining witnesses at such informal conference subject to procedures established by the principal/superintendent.
5. The student shall not be suspended until after the informal conference unless the student poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such case, the notice and the informal conference shall take place as soon as is reasonably possible after the suspension is imposed.
6. After the conference, the parents will be provided with a written decision on the matter.
7. The parents may appeal such decision to the superintendent of schools within five (5) business days, however, only for alleged procedural errors.

In the event the school response to student behavior may result in suspension of the student for a period in excess of five (5) school days, the student and his or her parents must be given an opportunity for a hearing on reasonable notice. The notice shall advise the student of the behavior that gives rise to the proceeding. Parents may attend the hearing and the student has a right to be represented by an attorney, to testify on his or her own behalf, to present witnesses and evidence and to cross-examine witnesses against the student. The Superintendent of Schools may preside at the hearing or designate a hearing officer who will render a recommendation to the Superintendent, which s/he is free to accept or reject in whole or in part. The decision of the Superintendent in such matters may be appealed pursuant to section 3214 of Education Law. Only upon a final decision of the board of education may the parents appeal a decision to the Commissioner of Education.

## **XI. STUDENT SEARCHES AND POLICE INTERROGATION OF STUDENTS**

### **A. Student and Locker Searches**

The Board of Education authorizes the Superintendent of Schools, building principals and assistant principals and their designees (in the presence of one or more witnesses) to conduct searches of students and their possessions (to include vehicles) for illegal matter or matter which otherwise constitutes a threat of the health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, book bags, handbags, vehicles, etc.) Such searches shall be conducted when necessitated by reasonable suspicion.

Students shall be informed by the administration that school lockers are not their private property but the property of the district and that as such may be opened and subject to inspection by school officials.

### **B. Interrogation of Students by Police**

It is the policy of the district to cooperate with law enforcement agencies. The police may enter the schools of the district at any time. Police may interrogate individual students if a crime has been committed or there is a warrant for arrest or search, or if they have been invited by school officials to do so. Parents will be contacted prior to such interrogation unless the situation is of an emergency nature.

When police have properly entered the school and express a desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. An administrator, the School Resource Deputy and/or parent shall be present for such interrogations. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

## **XII. DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES**

Discipline is the positive direction of behavior toward established standards of conduct, fully understood and based on reason, judgment, and the rights of others. Ideal discipline is self-directed and self-controlled. The school, community, and parents share the responsibility for helping the student develop self-discipline. Discipline is necessary to insure an orderly environment in which each person may learn to his/her full capabilities in harmony with others. When self-control falters and self-discipline fails, disciplinary forces outside the individual must be imposed to protect the rights of others.

When there is a report that a student with a disability has violated the discipline code of the school which s/he attends, the principal or designee will conduct an investigation which may include a conference with the student, parent or guardian, teachers, other student service personnel, or others, as deemed appropriate for early identification and resolution of the suspected problem. The investigation shall be conducted according to the following guidelines:

- ◆ The student is given notice of the charges against him/her in enough detail to allow the student to understand the nature of the accusation. Support from special education personnel may be appropriate.
- ◆ The student is given an opportunity to admit to or deny the stated charges.
- ◆ School authorities may order a change in placement of a child with a disability in an appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) days – whether or not the behavior was a manifestation of the child’s disability.
- ◆ Parents must be notified of the decision and all procedural safeguards no later than the date on which the decision to suspend.
- ◆ A manifestation meeting will take place for long-term suspensions over ten (10) days. At this meeting, the manifestation team will review the relationship between the child’s disability and the behavior that is the subject of the disciplinary action. This review is conducted by the IEP team and other qualified personnel to make this determination. If the discipline review of the relevant information regarding the behavior finds no manifestation, disciplinary procedures applicable to children without disabilities may be applied. If the behavior is a manifestation of the child’s disability, the IEP team may also determine that the student’s IEP needs to be modified to include a behavioral management plan, additional supports, or inappropriate circumstances, a change in educational placement.

If it is determined that the misconduct is unrelated to the student’s handicapping condition, the administrator can determine the appropriate disciplinary action according to the building discipline code.

Any disciplinary procedure should be consistent with the student's Individual Evaluation Plan (IEP) and legal rights.

If a disabled student's behavior is determined to be dangerous to him/herself or others, then the building administrator must take immediate and appropriate action, followed by immediate notification to the Committee on Special Education. If such action includes suspension of the student, all legal procedures must be followed.

### **XIII. CODE OF CONDUCT FOR TRANSPORTATION**

Of paramount concern is the safe transport of students and the need to provide support to transportation personnel through consistent, fair and appropriate discipline whenever safety is compromised by the unsatisfactory behavior of students on the school buses. Just as the drivers have the responsibility of providing the safest possible ride for each student, the student in turn has the responsibility of ensuring the same by following the rules. All behaviors, which result in a referral, are considered distractions to the drivers.

There is an expectation that students, while riding the buses, either to or from school, extracurricular events or field trips will:

- ◆ Follow the instructions of the bus driver.
- ◆ Keep head and hands inside the bus.
- ◆ Observe crossing procedures of the driver when appropriate.
- ◆ Wait until the bus comes to a complete stop before attempting to enter or leave the bus or do not attempt to board bus once it is placed in motion.
- ◆ Remain seated on the bus, out of the aisles and facing forward, with feet on the floor.
- ◆ Enter and leave the bus in an orderly fashion.
- ◆ Keep track of personal belongings, books, lunches, et cetera.
- ◆ Respect the property of others, to include keeping the bus clean and not defacing, marking or littering on the bus.
- ◆ Behave in an orderly manner at the bus stop.
- ◆ Be on time at the bus stop.
- ◆ Ride the bus assigned unless issued a pass.
- ◆ Keep voices at a conversational level while the bus is in motion.
- ◆ Not smoke or ignite matches or lighters on the bus.
- ◆ Not use vapor pens or electronic cigarettes

*Note:* Volume 17 of the New York Code, Rules and Regulations specifically states, "Baggage, freight or other property shall not be carried in the aisle or so as to interfere with passenger seating space, safety or comfort." Additionally, aisles are to be unobstructed and emergency doors are to be maintained in a free operating condition. To ensure this, students may not bring large objects, including skis and skateboards on the bus. Large musical instruments require pre-approval and need to be secured if they cannot be held in the hands or on the laps of the passenger.

Each bus driver is responsible to prevent or stop unsafe acts of behavior, which would jeopardize the safe operation of the bus or safety of the children. Examples of methods, which may be used, include the assignment of seats or pulling the bus safely off the road until the unsafe condition is corrected. Drivers should notify the Transportation Supervisor should it become necessary for them to use extraordinary methods to control behavior on the bus.

**TRANSPORTATION SUPERVISOR:** Works with the driver, parents and administrators in devising and implementing effective means to curtail inappropriate and unsafe behavior on the buses.

**ADMINISTRATOR:** Thoroughly investigates reports of unsatisfactory behavior on the buses and takes appropriate disciplinary action in accordance with school board policy to ensure that the environment on the buses remains as safe as possible.

It is essential that all employees having responsibility for the safe transportation of our students are given a degree of authority commensurate with that responsibility and that each member of the District team works in unison toward the accomplishment of that goal.

## **A. Discipline Procedures for Transportation**

### **DISCIPLINARY MATRIX**

	<b><u>1<sup>ST</sup> OFFENSE</u></b>	<b><u>2<sup>ND</sup> OFFENSE</u></b>	<b><u>3<sup>RD</sup> OFFENSE</u></b>
<b>LEVEL I</b> (Least Severe)	Driver Warning Bus Referral * Parent Notice	Bus Referral ** Parent Notice Assigned Seats School Community Service (includes bus cleaning)	Suspension In School and/or From Bus (1 – 5 Days) School Community Service (includes bus cleaning)
<b>LEVEL II</b> (Moderate)	Detention (1-5 Days) Parent Conference School Community Service (includes bus cleaning)	Suspension In School and/or From Bus (1-5 Days) Service (includes bus cleaning)	Suspension In School and/or From Bus (3-5 Days) Service (includes bus cleaning)
<b>LEVEL III</b> (Severe)	Suspension From Bus (1-5 Days)  Suspension In House (1-5 Days)  Parent Conference School Community Service (includes bus cleaning)	Suspension From Bus (3-5 Days)  Suspension In School (3-5 Days)  School Community Service (includes bus cleaning)	Suspension From Bus Minimum 5 Days)  Suspension In House (Minimum 5 Days)  Suspension From School Referral To Superintendent School Community Service (includes bus cleaning)

\* Referral To Transportation Supervisor For Parental Contact.

Referral Retained At Transportation Supervisor's Office.

\*\*Initial Referral Maintained By Transportation Supervisor and any Subsequent Referrals Forwarded To Building Administrator.

### **LEVEL I**

#### **Infractions**

1. Disobeying the driver
2. Littering the bus
3. Loud or inappropriate language
4. Failure to stay seated
5. Teasing/annoying other students
6. Play electronic devices/radios/tape/CD players without headphones
7. Possession of cellular phones or beepers on bus
8. Using improper bus or bus stop
9. Not sitting in assigned seat if appropriate
10. Standing or changing seats while bus is in motion
11. Eating or drinking on bus

## **LEVEL II**

### **Infractions**

1. Obscene language
2. Horseplay on the bus
3. Playing in road at bus stop
4. Failure to cross properly
5. Throwing objects on the bus
6. Standing or running in the aisles
7. Vandalism
8. Shouting on the bus
9. Verbal abuse of the driver

## **LEVEL III**

### **Infractions**

1. Igniting matches or lighters
2. Fighting and/or assault on bus
3. Opening emergency doors or windows
4. Damaging or defacing bus
5. Possession of weapons
6. Possession of drugs/alcohol
7. Arms, body or head out the window
8. Smoking or other tobacco use on the bus including vapor pens and electronic cigarettes
9. Throwing snowballs or other objects at the bus

## **DEFINITION OF LEVEL INFRACTIONS**

**LEVEL I** - Any misbehavior or violation of bus rules, which is minor in nature. The frequency of occurrence shall determine the appropriate disciplinary response and possibly reclassification to a higher level.

**LEVEL II** – Any misbehavior whose frequency or seriousness tends to diminish the driver’s authority or potentially poses a threat to the safe operation of the bus or safety of the students in any way.

**LEVEL III**– Any misbehavior whose consequences pose a threat to the health and/or safety of the student, other students, the bus driver, and bus attendant(s) or damage to property.

## **DISCIPLINARY PROCEDURES**

- ◆ For all infractions, the driver asks the students to immediately stop the unacceptable behavior.
- ◆ For LEVEL I infractions, when there is repetitive misbehavior and for all LEVEL II and III infractions, the driver documents the infraction on a bus referral report and turns it in to the transportation supervisor.
- ◆ For LEVEL I infractions, the transportation supervisor notifies the parent or guardian of the student and informs them that the referral will be retained at the Transportation Dept. This affords the parent/guardian an opportunity to rectify the problem without having documentation placed in the student’s file.
- ◆ For documentation of a subsequent LEVEL I referral or for both LEVEL II and LEVEL III referrals, the transportation supervisor will forward all applicable referrals to the building level administrator along with a recommendation.
- ◆ Building administrator takes action to include parent conferences, suspensions, notification of police or whatever subsequent action is deemed appropriate.

## **BUS DRIVER PARTICIPATION**

Upon a principal's request, the bus driver will be expected to participate in parent, student and administrator conferences required to resolve a student's misbehavior.

Drivers may request to meet with administrators should they feel that discipline action taken has not been successful.

## **PARENT INVOLVEMENT**

Every effort is to be made to involve the student's parent or guardian when misbehavior occurs. The use of phone, written and conference communication is encouraged and to be used at the principal's discretion.

## **B. Transportation Discipline Procedures for Students with Disabilities**

When there is a report that a student with a handicapping condition has violated the rules associated with bus transportation, the transportation supervisor, principal or designee will conduct an investigation which may include a conference with the student, other students, parents, service personnel, or others deemed appropriate for early identification and resolution of the suspected problem. The investigation shall be conducted according to the following guidelines:

- The student and parent are given notice of the charges against the student in enough detail to allow the student to understand the nature of the accusation.
- The student is given the opportunity to admit or deny the stated charges.
- In determining the appropriate disciplinary action, the administrator must consider whether the misconduct is related to the handicapping condition and review the IEP and consult with the Director of Special Education as appropriate.
- If it is determined that the misconduct is unrelated to the student's handicapping condition, the administrator/supervisor can determine the appropriate disciplinary action consistent with the transportation disciplinary matrix

## **XIV. ALTERNATIVE INSTRUCTION**

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

## **XV. CORPORAL PUNISHMENT COMPLAINTS**

The Board of Education asserts that corporal punishment is not a desirable method of enforcing decorum order or discipline. The board prohibits the use of corporal punishment by District employees and/or agents of the District.

1. As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a pupil, except as otherwise provided in Subdivision 3.
2. No teacher, administrator, officer, employee or agent in the District shall use corporal punishment against a pupil.
3. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be constructed to prohibit the use of reasonable physical force for the following purposes:
  - a. to protect oneself from physical injury;
  - b. to protect another pupil or district employee or any other person from physical injury;
  - c. to protect district property or the property of others;
  - d. to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

### ***Investigation of Complaints***

Any complaint about the use of corporal punishment shall be submitted in writing to the building administrator and/or superintendent. This written complaint will be forwarded to the superintendent and/or the Board within seven (7) days. The administrator and/or Board shall investigate the complaint to determine whether an incident actually took place, and if so, to determine the identity of the person or persons who administered the punishment, the identity of the student or students punished, reasons for the action and any other relevant facts or circumstances. At a minimum, the investigation shall include a meeting with all parties involved, jointly or separately. The investigation shall be completed within ten (10) school days of the receipt of the allegation. Results of this investigation will be forwarded to the Superintendent and/or the Board.

A decision shall be rendered by the superintendent within five (5) school days of the close of the investigation with recommendations for action, if any. Copies of the decision shall be forwarded to the complainants and the board within seven (7) days.

In the event the person who has initiated the complaint believes the action taken is insufficient, he/she may file a written appeal of the recommendation and its implementation to the board. Upon receipt of a notice of appeal, the board shall schedule a hearing. That hearing shall take place within fifteen (15) school days of the receipt of notice of appeal. A decision shall be rendered within ten (10) school days of the close of the hearing and shall be made available to all parties concerned.

### ***Report to Commissioner of Education***

Reports shall be submitted to the Commissioner of Education on or before January 15<sup>th</sup> and July 15<sup>th</sup> of each year concerning complaints about the use of corporal punishment during the six-month reporting period. Such reports shall set forth the substance of each complaint, the result of the investigation and the action, if any, by the District.

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

The following set of rules and regulations have been adopted to cover the conduct of students and adults. The intention of the rules is to help ensure safety and security of students, staff, and visitors. (This is done in compliance with Section 2801 of the Education Law.)

**PROHIBITED CONDUCT** – No person, either singly or in concert with others, shall:

- a) Intentionally cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing any other person to perform or refrain from performing any act.
- b) Engage in threats, intimidation and/or extortion of any other person.
- c) Physically restrain or detain any other person, nor remove such person from any place where he is authorized to remain, except in such instances where the person's behavior poses potential harm to themselves or others.
- d) Willfully damage or destroy property of the school district or property under its jurisdiction nor remove or use such property without authorization.

- e) Engage in theft of or damage to or defacement of any school district property or property of any other person.
- f) Enter into and remain in any building, facility, office or room for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- g) Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- h) Refuse to leave any building or facility after being required to do so by any person responsible for the maintenance of order in a building or facility.
- i) Loiter in school buildings or on school grounds. Loitering is remaining in or near school buildings and grounds with no reason for being there and with no authority or written permission to remain – See Definitions
- j) Willfully set fire to school District property, tamper with or obstruct any safety measures such as fire extinguishers, alarm systems, posted fire regulations, water sprinklers, fire doors, fail to conform to fire drill procedures, or tamper with any communications, heating, lighting, or power systems.
- k) Deliberately disrupt or prevent the peaceful and orderly conduct of classes and meetings, administration, disciplinary procedures or other school district activities or deliberately interfere with the freedom of any person to express his views, including invited speakers.
- l) Use any profane or obscene language.
- m) Knowingly have in his/her possession any firearm upon any premises to which these rules and regulations apply. A firearm is any weapon (including a starter gun) which can fire a projectile (bullet) or frame of such weapon; or silencer; or any destructive device. A penalty of one-year suspension can result – See Definitions. Notwithstanding this restriction, the Superintendent shall have the authority, upon receipt of a prior written request, to grant written permission to a person seeking to bring a starter gun onto school property solely for use at District-sponsored athletic events. The request shall be received at least ten (10) calendar days prior to the date for which permission to possess and use the starter gun on school property is being requested. Written permission, whenever granted, shall state such limitations or restrictions on possession of the starter gun as the Superintendent deems necessary. The Superintendent may revoke this permission orally or in writing at any time for any reason. Oral revocation of permission shall be reduced to writing by the superintendent as soon as practicable.
- n) Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
- o) Use or possess, without authorized medical supervision, alcohol, tobacco, and other substances. See Definitions below.
- p) Violate school District rules and regulations concerning the use of motor vehicles on school district property and school district parking regulations.
- q) Cause disruption on or interfere with the operation of school district buses.



- r) Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
- s) Picket or demonstrate contrary to the concept of acceptable conduct set forth in Freedom of Expression and Assembly.
- t) Make or cause to be made bomb threats, false alarms or false reports of school closing or cancellation of school events.
- u) Fail to comply with directions of school District officials acting in the performance of their duties.
- v) Smoke in any part of Ichabod Crane Central School District buildings or school grounds – See Definitions.
- w) Sexually harass any person. Sexual harassment is all unwelcome behavior of a sexual nature which forces a person to cooperate as a condition for good grades or which creates an intimidating, hostile or offensive learning situation. This should be reported promptly – See Definitions.
- x) Engaging in sexual activity on school property.
- y) Attempting to gain unauthorized access to the district computers, software or network
- z) Off-campus misconduct that endangers the health and safety of students or staff within the school or can reasonably be forecast to substantially disrupt the educational process is prohibited. Examples of such misconduct include, but are not limited to: cyberbullying, bullying, and/or threatening or harassing students or school personnel over the telephone, or via other electronic media.

## CONSEQUENCES

A **student** who violates any of the provisions of these rules and regulations shall be subject to expulsion or a lesser disciplinary action as the facts of the case may warrant including suspension, exclusion from extra-curricular activities, reprimand or warning. Suspension proceedings shall be conducted in accordance with the requirements of Section 3214 of the Education Law.

A **teacher** who violates any of the provisions of these rules and regulations may be deemed guilty of insubordination within the meaning of Section 3020-A of the Education Law and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including but not limited to suspension without pay or reprimand.

A **staff member** of the Ichabod Crane Central School District in the classified category of Civil Service, described in Section 75 of the Civil Service Law, who violates any of the provisions of these rules and regulations may be found guilty of misconduct, and be subject to dismissal, suspension without pay or reprimand.

An **administrator** of the Ichabod Crane Central School District who violates any of the provisions of these rules and regulations may be found guilty and be subject to dismissal, suspension without pay or reprimand.

A **trespasser** without specific license or invitation or visitor who violates any of the provisions of these rules and regulations shall be subject to ejection.

## DEFINITIONS

**Loitering** - A person is guilty of loitering when he/she remains in or about a school building grounds, not having any reason or relationship involving custody of, or responsibility for, a student or any other specific legitimate reason for being there and not having written permission from anyone authorized to act the same. (Section 240.35 of the State Penal Law)

**Firearm** - Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm or silencer; or any destructive device (Public Law 103-277) refer to Ichabod Crane Board of Education Policy #5312.2 Dangerous Weapons in School.

**Alcohol, Tobacco, and Other Substances** – The Ichabod Crane Central School District Board of Education Policy, pursuant to the Pro-Children Act of 1994, establishes that smoking and other use of tobacco or tobacco products is prohibited in any indoor facility owned, leased, or contracted for and utilized by the District. Refer to the following board policies:

#1530 Tobacco Policy

#9125/9125-R Drug Free Workplace Policy and Regulation

#9125.1 Staff Substance Abuse

**Anti Harassment** – All harassment should be promptly reported in order to be properly investigated and if proven guilty, penalties given in accordance with Education Law Section 3214 and Penal Law. Refer to the following Board policies:

#0100 – Equal Opportunity

#0110 – Sexual Harassment

Cross-ref: 5460, Suspected Child Abuse and Maltreatment

Ref: 8 NYCRR section 100.2 (1)(3)

Rules of the Board of Regents section 19.5

mmp 8/16/22