

appropriate disciplinary consequence may include Superintendent's long-term suspension and referral to law enforcement for prosecution.

The building principal or designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or designee learns of the violation.

VII. Disciplinary Consequences, Procedures and Referrals

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will often merit a lighter consequence than subsequent violations, unless otherwise countermanded by law or the severity of the offense.

If the conduct of a student is a manifestation of a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior that is a manifestation of their disability except as otherwise permitted by law.

A. Penalties

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school

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personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process.

1. Verbal warning: Any member of the district staff
2. Written warning: Bus Driver, Coaches, School Counselors, Teachers, Principal/designee, Superintendent/designee
3. Written notification to parent: Bus Driver, Coaches, School Counselors, Teachers, Principal/designee, Superintendent/designee
4. Teacher assigned detention: Teachers
5. Administrative detention: Principal/designee, Superintendent/designee
6. Suspension from transportation: Principal/designee, Superintendent/designee
7. Suspension from athletic participation: Athletic director, Coaches, Principal/designee, Superintendent/designee
8. Suspension from social or extracurricular activities: Activity advisor, Principal/designee, Superintendent/designee
9. Suspension of other privileges: Principal/designee, Superintendent/designee
10. In-school suspension: Principal, Superintendent/designee
11. Involuntary transfer: Superintendent/designee
12. Removal from classroom by teacher: Teachers
13. Short-term (five days or less) suspension from school: Principal, Superintendent, Board of Education
14. Long-term (more than five days) suspension from school: Superintendent, Board of Education
15. Suspension from school for at least (1) year for possession of a weapon pursuant to the Gun Free School Act of 1994 or any other weapon (subject to the right of the Superintendent to modify such consequence) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to their disability, placement in an interim alternative education setting for a period of up to 45 school days: Superintendent
16. Placement in an interim alternative education setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to their disability: Superintendent
17. Permanent suspension from school: Superintendent, Board of Education

B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged

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misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. Detention:

Principals and House/Assistant Principals, and the Superintendent/ designee may use after school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Teachers may keep students for their own detention. All detentions require that parental notification is made in advance and transportation home is arranged.

2. Suspension from transportation:

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the Superintendent or the Superintendent's designees. In such cases, the student's parent will become responsible for seeing that their child gets to and from school on time and safely. Should the suspension from transportation amount to a suspension from attendance in the judgment of the Superintendent, the District may make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the consequence involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges:

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequence involved.

4. In-school suspension:

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals, house principals, assistant principals and the Superintendent to place

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students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.”

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

In-school suspension is considered a lesser discipline than out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with their work while attempting to reinforce acceptable behavior, attitudes and personal interactions.

5. Teacher disciplinary removal of disruptive students:

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can manage a student’s behavior and maintain or restore the teaching and learning environment by using classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) providing a short-term break in an elementary classroom or in an administrator’s office; (2) sending a student to an administrator for the remainder of the class time only; or (3) sending a student to a school counselor or other district staff member for counseling. These do not constitute disciplinary removals for purposes of this Code.

On occasion, a student’s behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. For K-5 students, the time of removal should roughly equate to that of the 6-12 student class periods, approximately 45 minutes for each “day” of removal.

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If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within 24-hours.

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

Within 24-hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The notification must also inform the parent that they have the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

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

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

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

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

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

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

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from their class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from their class until they have verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school:

Suspension from school is a severe consequence, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or designee or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared within 24 hours by the staff member recommending the suspension.

Upon receiving a recommendation or referral for suspension or when processing a case for suspension, the Superintendent or principal shall gather

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the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school:

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents of the proposed suspension from school.

The notification shall be in writing and provide (1) a description of the charges against the student and the incident for which suspension is scheduled and (2) shall inform the parents of the right to request an immediate informal conference with the principal. Both the notification and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents of their decision in writing. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within 30 calendar days, unless they can show extraordinary circumstances precluding them from doing so.

The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District clerk within 30 calendar days of the date of the Superintendents’ decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school:

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When the Superintendent determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them, and the right to present witnesses and other evidence on their behalf.

The Superintendent shall personally hear and determine the proceeding or may, in their discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. An audio recording shall be deemed a satisfactory record.

The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

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

c. Permanent suspension:

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

7. Procedure after Suspension:

When a student has been suspended from school and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is reasonably equivalent to that provided in the student's regularly scheduled class.

When a student has been suspended, the suspension may be reduced or revoked by the Superintendent or the Board whenever it appears to be in the best interest of the school and the student to do so.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school:

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

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

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

2. Students who commit violent acts other than bringing a firearm to school:

Any student, who is found to have committed a violent act, other than bringing a firearm onto school property, shall be subject to suspension from school for durations up to five days out of school upon the authority of the principal and in excess of five days as may be determined by the Superintendent. If the proposed consequence is the minimum one-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds a period of five days suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm.

Students who commit violent acts causing bodily injury to another student, staff member, or other person may be referred for a Superintendent's §3214 Disciplinary Hearing for consideration of long-term suspension, irrespective of the term of suspension applied by the principal.

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

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Any student, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for durations up to five days out of school upon the authority of the principal and in excess of five days as may be determined by the Superintendent. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this Code on four or more occasions during a semester. If the proposed consequence is to run from one to five days, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence is to exceed a period of five days, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

4. Students who are in possession of illegal or legal drugs:

Any student who is involved in the distribution or sale of illegal or legal drugs shall be referred for a Superintendent's §3214 Disciplinary Hearing for consideration of long-term suspension, irrespective of the term of suspension applied by the principal.

D. Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling. (See Section VII (B)(5), teacher disciplinary removal of disruptive students).

2. PINS Petitions

When school disciplinary procedures are not effective in changing a student's behavior, the District may ask the Family Court to order out of school supervision and treatment of the student by filing a PINS (person in need of supervision) Petition with the court. A PINS petition may be filed when:

- a. A student refuses to attend school.
- b. A student engages in a course of conduct which demonstrates the student is ungovernable, habitually disobedient, or beyond the lawful control of the school.
- c. A student possesses marijuana or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".

VIII. Alternative Instruction

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

The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students are consistent with the safeguards required by applicable laws and regulations.

IX. Student Dress Code

The responsibility for student dress and general appearance rests with individual students and parents. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. The Board also requires students to wear appropriate protective gear in certain classes and activities, such as family and consumer sciences, home and career skills, technology education, science labs, physical education, sports, and club activities. 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.

Examples of standards of dress include but are not limited to the following:

1. Extremely brief garments and see-through garments are not permitted, including garments that expose a student's mid-section.
2. Underwear should be completely covered with outer clothing.
3. Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed.
4. Clothing may not include items that are vulgar, obscene, libelous or that denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
5. ***Clothing may not include messages or depictions of items that promote or cause fear, violence, or are otherwise disruptive of the educational environment.***
6. Clothing may not promote and/or endorse ***gang involvement***, the use of alcohol, tobacco (smoking/vaping) or illegal drugs and/or encourage other illegal activities.
7. Clothing that obstructs a student's identity, including but not limited to hats, hoods from sweatshirts, jackets, and sweaters, as well as face masks, may not be worn in school.

Each building principal or designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Whether or not

a student's attire is appropriate or not is ultimately within the discretion of the administration.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension, where available, for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

X. Student Searches and Interrogations

Any school staff, may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to "Miranda" warnings prior to questioning by school staff, nor are school staff required to contact a student's parent before questioning the student.

In addition, the Board authorizes the Superintendent and administrators to conduct searches of students and their belongings if the administrator has reasonable suspicion to believe that the search will result in evidence that the student violated a law or the District Code of Conduct. ***Other District staff may, in exigent circumstances where immediate action is warranted, conduct searches of students and their belongings in cases where such staff have a reasonable suspicion to believe that the search will result in evidence that the student violated a law or the District Code of Conduct and there is not time to contact administrative staff.***

Before searching a student or the student's belongings, the administrator should attempt to obtain an admission that the student possesses physical evidence associated with a violation of law and/or the Code. The administrator may also request voluntarily consent to the search from the student. Searches will be limited in scope to the evidence being sought.

Whenever practicable, searches will be conducted in private with students present while their belongings are being searched. A second administrator or designee shall be present during searches whenever practicable.

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search

at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of their clothing. Having a student remove their outer coat or jacket or shoes and/or socks does not constitute a strip search. Asking a student to expose the waistband of their pants does not constitute a strip search. If an authorized school official believes that a strip search is necessary because there is an emergency situation that could threaten the safety of the student or others, advance authorization must be obtained from the Superintendent of Schools and law enforcement must be notified.

C. Documentation of Searches

The administrator conducting the search shall be responsible for promptly recording information about each search.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. ***The principal or their designee shall be responsible for safeguarding dangerous or illegal items prior to the arrival of police authorities.***

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or conduct a formal investigation involving students:

1. If they have probable cause to believe a crime has been committed on school property or at a school function,
2. If they have a search or arrest warrant, and/or
- 3. *Exigent circumstances exist.***

E. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or designee. The principal or designee shall set the time and place of the interview. A staff member will

observe the interview for all students regardless of age. If the interview requires the removal of clothing to substantiate an allegation, the building principal must be notified in advance so that proper precautions are taken.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XI. Academic Integrity

The Arlington Central School District advocates academic honesty. Cheating and plagiarism shall not be tolerated. Cheating is defined as the intentional use of someone else's work or material on any assessment or assignment; or the use of any prohibited means to enhance the performance. Students must not copy from another student's assessment, assignment or work, including homework.

During an assessment or assignment students must avoid even the appearance of cheating by putting away all notes, cell phones and other electronic devices, keeping their eyes on their own papers, working in silence, and refraining from leaving their seats. Offering or receiving specific or general information about the content of an assessment or assignment is not permitted. Knowingly using, buying, selling, transporting, or soliciting the contents of an assessment or assignment is forbidden.

Plagiarism is defined as the appropriating and putting forth as one's own, the ideas, language or creation of another, without citing the correct sources. In any course submitting another student's work and representing it as your own is forbidden.

If a student is unsure about a question of plagiarism or cheating, they are encouraged to consult their teacher on the matter before submitting the material. If a student is recognized to be cheating or plagiarizing, the teacher will take immediate steps to deal with it in an appropriate manner. All students in the Arlington Central School District are expected to live up to the highest standard of academic honesty.

XII. Corporal Punishment / Emergency Interventions

(Policy 7350)

Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purposes of punishing that student.

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, or employee of the School District.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to their Principal/Supervisor. The Principal/Supervisor shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Arlington Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Emergency Interventions

However, if alternative procedures and methods which would not involve physical force are not effective, the use of reasonable physical force is allowable for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; and/or
- d) Restraining/removing a disruptive student.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Staff whose duties make it reasonably foreseeable that they may be called upon to implement emergency interventions will be provided appropriate training in

safe and effective restraint procedures. The parent(s) of the student shall be notified whenever an emergency intervention is utilized.

The District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of the student;
- b) Setting and location of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident and medical treatment.

This documentation will be reviewed by District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

XIII. Dignity For All Students

(Policy 7550)

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that to, those acts based on a person's actual or

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perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the Code of Conduct, with updates posted on the District's website; and
- b) Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students at the beginning of each school year; and
- c) Providing it to all parents or persons in parental relation to students in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates their position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform their duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, and will:

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- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide, and disseminated to all staff and all parents or persons in parental relation to students. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption.

Reports and Investigations of Harassment, Bullying, or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event any investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and

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climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation to students will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or person in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy and all procedures and forms for how students, parents or persons in parental relation to students, and school employees may report harassment, bullying, or discrimination on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or

rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

XIV. Dignity Act Coordinators

The Board of Education shall appoint District Coordinators and Building Level Coordinators on an annual basis and as changes occur throughout the school year. The names of the Dignity for all Students Act Building Level Coordinators will be available on the District web site (arlingtonschools.org) or by contacting a District Coordinator or any school office.

The District Coordinator(s) are:

Ms. Margaret Muenkel, Assistant Superintendent
Arlington Central School District
144 Todd Hill Road
LaGrangeville, NY 12540
(845) 486-4460 x 20116

Dr. Tina DeSa, Assistant Superintendent
Arlington Central School District
144 Todd Hill Road
LaGrangeville, NY 12540
(845) 486-4460, x 20121

XV. Discipline of Students with Educational Disabilities and Section 504 Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who engage in prohibited student conduct (See Section V. Prohibited Student Conduct). The Board also recognizes that students with disabilities are afforded certain procedural protections when school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. Such rights may vary depending on whether the student has an educational disability under the IDEA or a disability under Section 504.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Definitions

For purposes of this section of the Code of Conduct, the following definitions apply:

Behavioral Intervention Plan means a plan that is based on the results of the functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

CSE means a Committee on Special Education established in accordance with Education Law §4402.

Controlled Substance means a drug or other substance identified under Schedule I,II,III, IV or V in Section 202(c) of the Controlled Substances Act (21 U.S.C. Section 812).

Disciplinary Change in Placement means a suspension or removal from a student's current educational placement that is either:

- a. for more than 10 consecutive school days; or
- b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another. A determination shall be made on a case-by-case basis whether a pattern of removals constitutes a change in placement. This determination shall be subject to review through due process and judicial proceedings.

Illegal Drug means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or any other provision of federal law.

Interim Alternative Educational Setting or "IAES" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, where the student shall continue to receive educational services, so as to enable the student to continue to participate in the general curriculum, although in another setting, to progress toward meeting the goals set out in the IEP, and include as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior

which precipitated the IAES placement that are designed to prevent the behavior from recurring.

Manifestation Team means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the Committee on Special Education as determined by the parent and the District.

School day means any day, including a partial day that students are in school for instructional purposes.

Serious Bodily Injury means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Suspension means a suspension pursuant to Education Law §3214(3) (a) through (d).

Removal means a removal for disciplinary reasons from the student's current educational placement, other than a suspension, and a change in placement of a student to an interim alternative educational setting by an impartial hearing officer because maintaining the current placement of the student is substantially likely to result in injury to the student or others. Such term shall also include the change of placement of a student to an IAES by the Superintendent, either directly or upon the recommendation of a hearing officer, where the student has, on school grounds or at a school function, inflicted serious bodily injury upon another person, carried or possessed a weapon or knowingly possessed or used illegal drugs.

Weapon means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except such term does not include a pocket knife with a blade of less than 2½ inches in length.

B. Authorized Suspensions or Removals of Students with an Educational Disability

1. School personnel may order the suspension or removal of a student with a disability from their current educational placement as follows:
 - a. The Board, the Superintendent of Schools, or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a

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- non-disabled student would be subject to suspension for the same behavior.
- b. The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension, provided that the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, providing those removals do not result in a disciplinary change in placement.
 - d. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.
 - e. The Superintendent may directly, or upon the recommendation of a designated hearing officer, order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, for up to 45 days, if the student carries or possesses a weapon to school or at a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the District's jurisdiction, or has inflicted bodily injury upon another person while at school, on school premises or at a school function under the District's jurisdiction. The period of suspension or removal ordered by the Superintendent may not exceed the amount of time that a non-disabled student would be suspended for the same behavior.
 - f. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a disciplinary change in placement for a student with a disability who violates a code of student conduct.
2. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer, in an expedited due process hearing, may order the placement of a student with a disability in an IAES

setting for not more than 45 days, if maintaining the student in their current educational placement is substantially likely to result in injury to the student or others. The District shall not be required to commence disciplinary action against the student as a prerequisite for initiating an expedited due process hearing to obtain such an order of an impartial hearing officer. A determination that the student's behavior is a manifestation of the student's disability shall not preclude an impartial hearing officer from ordering a change in placement.

C. Disciplinary Change of Placement of Students with an Educational Disability

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

D. Provision of Services during Suspension for Students with an Educational Disability

1. During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law §3214(3)(e) on the same basis as non-disabled students. Students who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to non-disabled students of the same age who have been similarly suspended.
2. During subsequent suspensions or removals for periods of 10 consecutive school days or less that in the aggregate total more than 10 school days in a school year, but do not constitute a disciplinary change in placement, regardless of the manifestation determination, the student shall be provided with services necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. The student shall receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to

which services are needed, so as to enable the student to continue to participate in the general educational curriculum, although in another setting, and to progress in meeting the goals set out in the student's IEP.

3. A student with a disability who has been suspended or removed for a period of 10 consecutive school days (or a series of removals that in the aggregate total more than 10 school days) in a school year which constitute a disciplinary change in placement, regardless of the manifestation determination, must be provided with educational services that are necessary to enable the student to continue to participate in the general education curriculum; and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavioral violation so it does not recur. The IAES and services shall be determined by the CSE.

E. Special Rules Regarding the Suspension or Removal of Students with an Educational Disability

1. Manifestation Determination

- a. A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made immediately, but in no case later than 10 school days after a decision is made: by a superintendent to change the placement of a student to an IAES; by an impartial hearing officer to place the student in an IAES; or by the Board of Education, the Superintendent, or building principal to impose a suspension that constitutes a disciplinary change in placement.
- b. The manifestation determination should be made by a manifestation team, in a meeting which must include a representative of the school district knowledgeable about the student and the interpretation of information about the child's behavior, the parent, and relevant members of the CSE as determined by the parent and the school district.
- c. The parent must receive written notification before any manifestation team meeting to ensure that that the parent has an opportunity to attend. The notification must inform the parent of: the purpose of the meeting; the names of the individuals expected to attend; and their right to have relevant members of the CSE participate at the parent's request.

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- d. The manifestation team must review all relevant information in the student's file including: the student's IEP; any teacher observations; and any relevant information provided by the parents. Upon review of the above information, the manifestation team must determine: if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of the school district's failure to implement the IEP.
 - e. If the manifestation team determines that the conduct was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school district's failure to implement the IEP, then the conduct must be determined to be a manifestation of the student's disability.
 - f. If the manifestation team determines that the conduct was a manifestation of the student's disability, then the CSE must conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment prior to when the behavior occurred that resulted in the change of placement, and implement a behavioral intervention plan for the student. Except for removals for drugs, weapons or serious bodily injury, the student must be returned to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.
 - g. If a behavioral plan has been developed prior to the misconduct subject to the disciplinary action, the manifestation team must review the behavioral plan and modify it as necessary to address the behavior.
 - h. If the manifestation team determines the conduct in question was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.
2. Students Presumed to Have a Disability for Discipline Purposes
- a. The parents of a student who is facing disciplinary action, but who has not been identified as a student with a disability at the time of the misconduct, may assert the protections set forth in this policy, if the district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. Where the school district is deemed to have had knowledge that the student was a student with a disability before the behavior occurred, such student is a "student presumed to have a disability for discipline purposes".
 - b. A school district must be deemed to have knowledge that a student has a disability if, before the time the behavior occurred:

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1. the parent of the student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education. The expression or concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;
 2. the parent of the student has requested an evaluation of the student; or
 3. a teacher of the student or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the school district or to other supervisory personnel of the school district.
- c. If it is claimed by the parent of the student or by school district personnel that the school district had a basis for knowledge that the student was a student with a disability prior to the time of the behavior subject to the disciplinary action occurred, the Superintendent, building principal or other school official imposing the suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- d. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge, the student was a student with a disability,
1. the student's parent has not allowed an evaluation of the student; or
 2. the student's parent has refused services; or
 3. the District conducted an evaluation and determined that the student is not a student with a disability.
- e. If the Superintendent, building principal or other school official imposing the disciplinary removal determines that there is no basis for knowledge prior to taking disciplinary measures against the student, the student may be subject to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the District receives a request for an individual evaluation while the student is subject to disciplinary removal, the District will conduct an expedited evaluation in accordance with applicable law and regulations.
- f. The expedited evaluation shall be completed no later than 15 school days after receipt of parent consent for evaluation. The CSE shall make a determination of eligibility in a meeting held not later than 5 school days after completion of the expedited evaluation.

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- g. Until the expedited evaluation is complete, the non-disabled student shall remain in the educational placement determined by the District which can include suspension.
- 3. Additional Due Process Requirements
 - a. No later than the date on which the decision is made to change the placement of a student with a disability to an IAES, or a decision is to impose a suspension or removal that constitutes a disciplinary change in placement, the parent shall be notified of such decision and shall be provided the procedural safeguards notice prescribed by the Commissioner.
 - b. The parents or persons in parental relationship of a student with disabilities subject to a suspension of five consecutive school days or less shall be notified of the suspension and provided with the same opportunity for an informal conference in accordance with the same procedure available to parents of non-disabled students under the Education Law.
 - c. The suspension of students with disabilities of more than five school days, other than a change in placement to an IAES, shall be conducted in accordance with the same due process procedures applicable to non-disabled students, except that the school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless there has been a determination that the behavior is not a manifestation of the student's disability. The removal of a student to an IAES shall be in accordance with applicable provisions included in this policy.
 - d. Superintendent's hearings on disciplinary charges against students with disabilities and students presumed to have a disability for discipline purposes shall be bifurcated into a guilt phase and a penalty phase. If it is determined that the student is guilty of the misconduct, the Superintendent or hearing officer shall make a determination whether a suspension or removal in excess of 10 consecutive school days, or that would otherwise constitute a disciplinary change in placement, should be considered. If the Superintendent or hearing officer determines that it should not be considered, the hearing shall proceed to the penalty phase.
 - e. If the Superintendent or the hearing officer determines that a suspension or removal in excess of 10 consecutive school days, or that would otherwise constitute a disciplinary change in placement, should be considered, the hearing will be adjourned until a determination is made by the manifestation team whether the behavior is a manifestation of the disability.
 - f. If the manifestation team determines that the behavior was a manifestation of the student's disabilities, the hearing will be

dismissed. If the manifestation team determines that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student. The penalty phase may proceed after receipt of the notification.

- g. The penalty phase of the superintendent's hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a non-disabled student, including anecdotal evidence of past instances of misconduct. The District shall assure that copies of the special education and disciplinary records of the student are transmitted to the Superintendent of Schools or the hearing officer in the superintendent's hearing for consideration whether or not the manifestation team has determined that the student's behavior is a manifestation of the student's disability.
- h. Notwithstanding any of the above provisions, upon a determination that the student is guilty of the alleged misconduct relating to serious bodily injury, weapons, illegal drugs or controlled substances, the Superintendent may order, or the hearing officer in a superintendent's hearing may recommend, such change in placement to an IAES, to be determined by the CSE, for up to 45 school days, even where the manifestation team determines that the student's behavior is a manifestation of the student's disability. This placement may not exceed the length of time that a non-disabled student would be suspended for the same misconduct under the district's student discipline policy.

F. Expedited Due Process Hearings for Students with an Educational Disability

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, under the following circumstances:
 - a. The District requests an expedited hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings.
 - b. The District requests an expedited hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings.

- c. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
2. During the pendency of an expedited due process hearing or appeal regarding a disciplinary change in placement, a manifestation determination, or because the District believes that maintaining the student in the current setting is likely to result in injury to the student or others, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
3. Upon receipt of or filing of a due process complaint notice for an expedited hearing, the Board of Education shall arrange for an impartial hearing and the appointment of an impartial hearing officer in accordance with the Commissioner's regulations.
4. The District will arrange the expedited due process hearing according to the following time periods, unless the parent and district agree in writing to waive the resolution meeting or agree to use mediation. A resolution meeting shall occur within seven days of receiving notice of the due process complaint. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint. The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed. The impartial hearing officer shall make a determination within 10 school days after the hearing.
5. The impartial hearing officer shall mail a copy of the written decision to the parents, to the Board of Education and the Office of Vocational and Educational Services for Individuals with Disabilities Education of the New York State Department within 10 school days after the hearing.

G. Students with Section 504 Disabilities

For students solely with disabilities under Section 504 who are being subjected to long term suspensions of ten or more days, the Section 504 team must make a determination as to whether the conduct underlying the charge was a manifestation of the student's disability. If a nexus is found, no additional discipline may be imposed.

H. Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The District may report a crime committed by a child with a disability to appropriate law enforcement and judicial authorities.

2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by FERPA.

XVI. Title IX, Section 504 Compliance and Equal Opportunity

The Arlington Central School District hereby advises students, parents, employees and the general public that it offers employment and educational opportunities, without regard to gender, race, color, national origin, marital status, disability or sexual orientation. Inquiries regarding this nondiscrimination policy may be directed to:

Arlington Central School District
144 Todd Hill Road
LaGrangeville, New York 12540
Telephone: (845) 486-4460

The District or its officials will provide information to any citizen, student, or employee who feels that their rights under Title IX or Section 504 may have been violated.

Title IX Coordinator: Mrs. Margaret Muenkel, Assistant Superintendent
Section 504 Coordinator: Dr. Tina DeSa, Assistant Superintendent

XVII. Public Conduct on School Property

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

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school

property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute printed materials on school grounds or at school functions without prior authorization by the Principal, Superintendent of Schools or their designee.
5. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
6. Intimidate, harass or discriminate against any person on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, illegal substances, or be under the influence of such on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district. **Uniformed** law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. Non-uniformed law enforcement persons in possession of a weapon must have their badge either around their neck or clearly visible next to their weapon.
12. Loiter on or about school property.
13. Gamble, as defined by NYS law, on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or Board Policy while on school property or while at a school function.

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17. Smoke/vape in school buildings, on school grounds, or on any school property.
18. Walk dogs on school property.

B. Reporting

Any student, teacher, District employee or committee member having knowledge of or observing prohibited conduct on school property or at a school function shall promptly report this information immediately to a teacher, other staff member, administrator, and/or school security or law enforcement personnel.

Any school employee having reasonable cause to suspect that a person has committed an act of violence while in or on school property, or having reasonable cause to suspect that a person has committed an act of violence upon a student, school employee or volunteer, either on school grounds or elsewhere, or having reasonable cause to suspect that a person has brought a gun, knife, bomb or other instrument capable of causing death or physical injury while in or on school property, who in good faith reports such information to school officials, the commissioner, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report, and neither the district nor its employees shall take, request or cause retaliatory action against any employee who makes such a report.

C. Enforcement

The building principal or their designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or designee shall have the individual removed immediately from school property or the school function.

If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

D. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and may be additionally subject to civil or criminal action.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

XVIII. Visitors to the Schools

(Policy 3210)

The Board recognizes that a safe and secure environment is necessary for the successful implementation of the school program. Since our schools and the Central Administrative Office (CAO) are places of work and learning, a procedure must be established for school visitors.

The building administrator or their designee is responsible for all persons in the building and on the grounds. Any person who is not a district employee or student of the school is considered a visitor.

Visitors who desire to visit a school or CAO must have an appointment or shall do so with the permission of the appropriate administrative staff member. Appointments must be made in order to volunteer in a classroom, to discuss concerns with a teacher or guidance counselor, or to meet with any other school personnel.

The following procedure applies to each visitor, every time they visit our schools and CAO when school is in session:

1. All visitors to the schools or CAO must enter and exit through the designated single point of entry/exit - the main entrance.

Arlington Central School District Code of Conduct

2. In order to be buzzed into the building, the visitor should:
 - a. Show a photo ID to the camera; and
 - b. Identify the purpose of their visit, including with whom they have a scheduled appointment.
3. Upon being granted entry, the visitor must report directly to the building greeter and show photo identification.
4. Provided the visitor has an appointment, the greeter will sign the visitor in on the visitor log and issue a visitor badge and lanyard. The badge must be worn and displayed at all times while in the school or on school grounds. Visitors are only permitted in the area of their appointment.
5. When possible, the person being visited or another building employee should meet the visitor in the main lobby and escort them to their destination.
6. When the visit is complete, the visitor should return the visitor badge and lanyard to the greeter at the main entrance and exit the building. Visitors should not use other exit doors unless there is an emergency in the building requiring evacuation.
7. Any person needing to drop items off for a student or staff member should leave the item in the main lobby with the greeter. It is not necessary to permit the person into the building and register them as a visitor.

The Superintendent of Schools or their designee may refuse any individual or group access to the schools when the stated purpose is judged to be unreasonable, disruptive, or not in the best interest of the students.

The building administrator or their designee is authorized to take any action necessary to secure the safety of students and school personnel.

Unauthorized visitors shall be required to leave school premises immediately and will be subject to arrest and prosecution for trespassing, pursuant to the New York State Penal Law, if they refuse.

All visitors are expected to abide by the rules for public conduct on school property contained in the District Code of Conduct. Any visitor who does not abide by the District Code of Conduct will be considered an unauthorized person and will be required to leave.

BOARD OF EDUCATION ADOPTION DATE: June 25, 2019