



Arlington Central School

District

2022-2023

Code of Conduct

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### **I. Introduction**

The Arlington Central School District Board of Education (Board) is committed to providing a safe and productive school environment where students and staff engage and thrive in the teaching and learning process. All stakeholders, including students, teachers, administrators, staff, parents and visitors, are essential to achieving this goal. The District has a long standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of safety, civility, mutual respect, citizenship, character, acceptance, inclusiveness, equity, honesty and integrity. The Board recognizes the need to define these expectations for acceptable conduct on school property, to identify the possible consequences and interventions of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and equitably. To this end, the Board adopts this Code of Conduct (Code). This Code applies to all stakeholders, which include students, employees, parents and other visitors when on school property, school buses or attending a school function, including distance learning activities, or when engaged in off-campus behavior that endangers the health, safety and well-being of members of the school community.

## **II. Definitions:**

Each year our District is required to report incidents in certain categories to the New York State Education Department. The definitions used in this Code of Conduct are provided through the New York State Center for School Safety and/or Education Law/Regulation when we report the School Safety and the Educational Climate (SSEC) data in addition to ... based on age, etc. (Based on BOE/Arlington)

For purposes of this Code, the following definitions apply:

**Cyberbullying** means harassment/bullying that occurs through any form of electronic communication, including, but not limited to cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites (Education Law §11 [18]).

**Discrimination** includes any form of discrimination including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, hair texture and protective hairstyles, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex by a stakeholder subject to this Code of Conduct. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Disruptive student** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. Determination of substantial disruption or interference will be based upon the age of the student, the frequency, intensity, duration, age, cognitive functioning and impact of the behavior.

**Disability** For the purposes of this document, the term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of typical bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in the context of employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the individual from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**Employee** means any person receiving compensation from the District or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125 [3]).

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

**Harassment/bullying** for the purpose of this document, the terms "harassment" and "bullying" means the creation of a hostile environment by conduct, threats, intimidation or abuse, that either:

(a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm: or

(b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11([7]), 8 NYCRR §100.2(kk)).

**Material Incident of Harassment, Bullying, and/or Discrimination** means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function on the basis of one of these protected categories: Race, Religion, Sexual Orientation, Ethnic Group, Religious Practice, Sex, National Origin, Disability, Weight, Color, Gender or Other (and then make sure each category is defined too [Sexual Orientation is already defined and Protective Hairstyles got its own definition which is part of the Race definition but none of the rest are defined] these are all listed under Discrimination too) (8 NYCRR 100.2(kk)(1)(ix)).

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

**Protective Hairstyles** includes, but is not limited to, such hairstyles as braids, locks, and twists.

**School bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities. (Education Law §11 [1] and Vehicle and Traffic Law § 142).

**School function** means any school-sponsored extracurricular event or activity, on or off school grounds (Education Law § 11[2]).

**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 (Education Law § 11[1]).

**Sexual orientation** means actual or perceived heterosexuality, homosexuality, bisexuality and/or other gender related expression (Education Law § 11[5]).

**Sexting** refers to an act of sending, receiving, or forwarding sexually explicit materials through electronic communication. Sexting is a punishable offense. Transmitting sexually explicit photographs or video of oneself or others may be charged as distribution of child pornography and those who receive the images may be charged with possession of child pornography.

**Student with a disability** for purposes of this document the phrase means a student with a disability as defined in §4401 of Education Law (Student with an Educational Disability) or a student classified under §504 of the Rehabilitation Act of 1973 as amended. This phrase does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Threatening, while on school property or at a school function, to use a weapon or other device, instrument, material, or substance that can cause physical injury or death. This includes but is not limited to threatening to harm themselves or others (verbally, in writing, e-mail, on social networking sites or by any other means).
4. Possesses, while on school property, at a school function, or in any vehicle on school property or in any vehicle operated for or on behalf of the School District, a weapon or what appears to be a weapon.

**Weapons** which includes but is not limited to one or more of the following dangerous instruments:

1. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paintball gun;
2. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
3. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
4. a sandbag or sand club;
5. a slingshot or slung shot;
6. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;
7. an explosive, including, but not limited to, a firecracker or other fireworks;
8. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
9. an imitation gun that cannot be easily distinguished from a real gun;
10. loaded or blank cartridges or other ammunition; or

11 .any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

### **III. Student Bill of Rights and Responsibilities**

The Arlington Central School District believes that each student in our district has the right to receive a free and appropriate public education. All students in New York State between the ages of six and the school year through which they become 16 are required by law to regularly attend school, either in the public schools, non-public schools that are approved for equivalency of instruction by the appropriate school authorities, or in the home in accordance with the Regulations of the Commissioner of Education. The right to a free and appropriate public education extends to all students, including those with disabilities. However, this right is not unconditional. As long as due process of law requirements are met, a student may be removed from the classroom, suspended temporarily or suspended permanently from school. Only students within the compulsory education ages (age six through the school year in which the student turns 16) are entitled to alternative, equivalent instruction during the period of suspension.

#### **A. Student Rights**

The District is committed to safeguarding the rights given to all students under state and federal law. Each student has the right to be an active learner in a safe learning environment. No student has the right to harass, threaten, or intimidate another student. No student has the right to interfere with the education of their fellow students or with the environment necessary to obtain it. 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 subject to necessary restriction based on health and safety, regardless of race, color, creed, national origin, religion, gender, sexual orientation, disability, age, economic status, or marital status.
2. Present their version from their perspective of the relevant events to school personnel authorized to impose a disciplinary consequence in connection with the imposition of the consequence.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel; and
4. Enter into dialogue with staff on issues that affect them.
5. File a Dignity for All Students Act (DASA) complaint, to know who the DASA Coordinators are (posted in each building lobby), and to know the status of their complaint. Please see Section XIV.

#### **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 school property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day and be in class on time, unless they are legally excused; be prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Adhere to the provisions of the Use of Technology Student Acceptable Use Agreement (Regulation 5300-R3b) and when requested, sign the Agreement.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Work alongside staff to develop mechanisms for managing their emotions and responses such as: identifying how you are feeling, accepting your emotions, knowing how to express yourself, thinking through your options, responding appropriately.
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, as described in Section X.
11. Accept responsibility for their actions and commit to repairing any harm.
12. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship, on and off school grounds.
13. Report violations, as described in Section VI.
14. Accept restorative-based consequences and interventions with good will.

#### **IV. Expectations of Essential Partners**

We will abide by the three assumptions for all essential partners:

1. We are all well-intentioned, good people who want to see all children succeed in school.
2. We attempt to collaboratively find answers to the many complex questions in a multiracial, multi-ethnic, multicultural society.
3. We agree to enter into conversations about difficult topics with an open mind.

##### **A. Parents / Guardians**

All parents/guardians are encouraged to the best of their ability to:

1. Maintain a climate of respect and dignity for all members of the school community in all interactions.
2. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
3. Be partners who support their child to follow-through on their restorative actions for improving their behavior and academic performance. Additionally, parents/guardians participate in conferences as requested.

4. Ensure their children attend school daily, on time and are prepared to learn.
5. Ensure that legal and necessary absences are excused by providing a written note upon student's return.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code, as described in Section X.
7. Help their children understand that in order to maintain a safe and orderly environment they need to know, understand, and follow school rules.
8. Inform school officials of situations in school and outside of school that may affect student conduct or performance.
9. Inform school officials of any situation in the community that may pose a danger to students or staff.
10. Communicate to school personnel any need for support in meeting these expectations.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost textbooks, damage to property, etc.

## **B. Employees**

In order to commit to recognizing and celebrating student and staff efforts to establish a safe, orderly, respectful, prosocial, and restorative school climate and culture all District employees are expected to:

1. Maintain a climate of respect and dignity for all members of the school community in all interactions.
2. Support district-wide and school-wide systems to promote a positive climate and interventions including:
  - a. Common purpose and approach to behavior
  - b. Clear set of positive expectations for behavior
  - c. Continuum of procedures for encouraging expected behavior
  - d. Continuum of procedures for discouraging inappropriate behavior
  - e. Procedures for ongoing monitoring and evaluation
3. Demonstrate a commitment to lifelong learning.
4. Exhibit professionalism in all aspects of job performance, including attire.
5. Adhere to the provisions of the Use of Technology Faculty & Staff Acceptable Use Agreement (Regulation 5300-R3a) and when requested, sign the Agreement.
6. Be aware of and enforce District policies.
7. Be familiar with the Code of Conduct and understand their professional responsibilities related to its provisions.
8. Read and follow guidelines according to the Dignity for All Students Act, as well as Child Protective Services Protocol as a Mandated Reporter.
9. Communicate with all stakeholders, including parents/guardians, to collaborate in the best interest of students. Communication must be timely and include acknowledging receipt of a complaint or correspondence, informing parents/guardians about the course of action to address the issue(s) in the complaint.



10. Abide by all school district's procedures and policies intended to cultivate a system that prohibits and addresses all forms of inequity and discrimination.

Also, teachers and all instructional staff are expected to:

1. Be prepared to adapt instructional strategies to meet the needs of the students in their classes including adaptations and accommodations in a student's Individualized Education Plan (IEP) or 504/Medical accommodation plan.
2. Provide developmental appropriate instruction centered on student achievement by addressing the whole child.
3. Know and follow school procedures and rules, and apply them in a restorative and accountable manner.
4. Document persistent low-level behaviors so students can receive interventions that will support improved behavior and academic performance.
5. Respond to low-level behavior concerns by supporting students to re-engage and get back on track in the classroom.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Goals for students
  - e. Classroom behavior expectations
7. Communicate regularly and in a timely fashion with students, parents and other staff members concerning growth, achievement and interventions.

Also, school counselors, school psychologists and social workers are expected to:

1. Assist students in coping with emerging personal, social and emotional problems.
2. Initiate conferences with students and parents as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with college and career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs, and to achieve their highest academic and personal potential.

Also, principals, house/assistant principals are expected to:

1. Promote a safe, equitable, and engaging school environment.
2. Ensure that students, parents and staff have the opportunity to communicate regularly with the principal and to approach the principal for redress of grievances.
3. Regularly evaluate all instructional programs and personnel in their school.
4. Support the development of, and student participation in, appropriate extracurricular activities.
5. Be responsible for applying the Code of Conduct and ensuring that all cases are resolved promptly and equitably.
6. Be aware of what acts constitute a crime and respond accordingly, including involving the police for incidents as mandated by the SAVE law.

7. Ensure that all DASA incidents follow the prescribed timelines and procedures
8. Deliver restorative-based consequences and interventions across the school.

Also, the Superintendent and Assistant Superintendents are expected to:

1. Lead the District in a manner that promotes the District mission and core values.
2. Promote a safe, equitable, and engaging school environment.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management, including DASA.
4. Create instructional programs that are responsive to student and teacher needs.
5. Provide professional learning opportunities related to restorative and accountable interventions.

### **C. Board of Education**

The Board of Education is expected to:

1. Maintain a climate of respect and dignity for all members of the school community in all interactions.
2. Commit to providing a safe and productive school environment where students and staff engage and thrive in the teaching and learning process
3. At least annually adopt and review the District's Code of Conduct to evaluate the Code's effectiveness and the equity and consistency of its implementation.
4. Ensure the Code of Conduct defines the expectations for acceptable conduct on school property, identifies the possible consequences of unacceptable conduct and subsequent interventions, and ensures that discipline, when necessary, is administered promptly and equitably.
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Be aware of and enforce District policies.
7. Abide by all school district's procedures and policies intended to cultivate a system that prohibits and addresses all forms of inequity and discrimination.

### **V. Prohibited Student Conduct**

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

The rules of conduct listed below are intended to make the Board's expectations for student conduct specific and clear, and focus on safety and respect for the rights and property of others.

Students who do not accept responsibility for their own behavior and who violate these school rules are required to accept the consequences for their conduct.

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to the following:

1. Exhibiting unsafe behavior (running in hallways, throwing objects, discharging a fire extinguisher, etc.).
2. Making unreasonable noise.
3. Using profane, lewd, vulgar, abusive, prejudicial, racist or otherwise harmful/hateful language or gestures.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal or safe operation of the school community.
6. Trespassing. Students are not permitted in any school building or on school property, other than the one they regularly attend, without reporting to the main office or other designated location for a visitor's pass used for a stated approved purpose, or to attend a public event at the school.
7. Using cell phones or electronic devices that may be disruptive in school. Any person using any electronic device in school to take pictures or record voices or images without the express prior permission from an administrator or faculty member is prohibited.
8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy or 1:1 device handbook.

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for school or class, missing school or class, or leaving school or class without permission.
3. Skipping detention.
4. Failing to comply with the provisions of the Code of Conduct.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.

3. Possessing a weapon or what appears to be a weapon.
4. Displaying a weapon or what appears to be a weapon.
5. Threatening to use any weapon or to otherwise harm another individual.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property, including graffiti or arson.
8. Propelling, such as but not limited to throwing or kicking, an object that has the potential of harming another individual or damaging property.
9. Threatening, harassing, bullying, or intimidating another person, verbally, in writing, or through electronic devices. This includes cyberbullying or sexting.
  
10. Using any means of electronic communication to convey threats or derogatory comments or to post pornographic and other unauthorized photographs or images of other students or school personnel.
11. Possessing fireworks or incendiary devices.
12. Possessing any chemical or biological agent or reasonable facsimile, intended or used to cause injury, alarm or disruption.

D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to the following:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function, stealing school district property.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes any form of 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.
5. Harassment/Bullying as defined in the definition section of the Code of Conduct.
6. Sexually harassing others, which includes but is not limited to: unwelcome sexual advances; requests for sexual favors; taking, sending, or receiving sexually explicit videos, pictures, or auditory recordings by any means; and other verbal or physical conduct or communication of a sexual nature.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
9. Selling, using or possessing obscene material.
10. Using vulgar or abusive language, cursing or swearing.

11. Smoking/vaping a cigarette (tobacco or electronic), cigar, pipe or using chewing or smokeless tobacco; possessing any type of tobacco or vaping product.
12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, including "non-alcoholic" beer, 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."
13. Possessing, selling, distributing or exchanging drug paraphernalia, including but not limited to cartridges, pipes, water pipes, rolling papers, scales, grinders, and electronic cigarettes.
14. Inappropriately using or sharing prescription and/or over-the-counter drugs.
15. Gambling as defined by New York State law.
16. Indecent exposure, that is, exposure of the private parts of the body in a lewd or indecent manner. Attempts or actually removing clothing from another person on school grounds for example (but not limited to) pulling down another person's trousers, shirts, etc.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; activating a safety shower without cause.
18. Subjecting students, school personnel, or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
19. Provoking and/or encouraging and/or inciting others to commit any of the acts prohibited by this Code.

E. Engage in off-campus misconduct that may endanger the health and safety of students within the school community, or which may substantially disrupt the educational process or which constitutes a crime. This includes, but is not limited to, planning and/or promoting disruption of the educational process, cyberbullying as defined in the definition section of the Code of Conduct, or threatening or harassing students or school personnel over the phone or through other electronic media.

To the extent that the Superintendent and/or Board of Education reasonably believe that the continued attendance of the student would constitute an endangerment to the health and safety of students in our schools, a student may be subject to discipline for conduct that occurs off-campus.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on school buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

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

1. Plagiarism;
2. Cheating;
3. Copying;
4. Altering records or forging notes; and
5. Assisting another student in any of the above actions.

## **VI. Reporting Violations of Prohibited Student Conduct**

Any student having knowledge of or observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall promptly report this information immediately to a teacher, administrator, other staff member, and/or school security or law enforcement personnel. Any student having knowledge or awareness of any act of violence, intent to commit violence, or threat of violence shall promptly report this information immediately to a teacher, administrator, other staff member, and/or school security or law enforcement personnel.

Students who believe they have been harassed or discriminated against or have observed acts of harassment or discrimination against any student or staff member due to their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex, shall promptly report allegations to the administration or Dignity Act Coordinator(s) who will investigate all complaints and take prompt corrective action, as necessary.

Employees who are not authorized to impose disciplinary consequences are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary consequence, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence. All district staff members who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner.

Any weapon, alcohol, or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary consequence, if warranted. The 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. Procedures**

A thorough investigation will be conducted to understand the context of the event, including the background information, event(s) that took place, and the rationale from all participants, including parents/guardians when applicable.

The type and amount of due process a student receives before a consequence is imposed depends on the consequence. In all cases, regardless of the consequence, 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 misconduct.

Students have additional rights when any of the consequences below are going to be imposed. These include:

1. **Detention:** Principals and House/Assistant Principals, and the Superintendent/designee may use lunch or 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. Detentions should be used for the teacher and student to work together to address the inappropriate behavior. This might include restorative practices. All after school detentions require advanced parental notification and transportation home must be arranged.
2. **Suspension from transportation:** If a student engages in unsafe or harmful behavior on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who continually pose a risk of safety for themselves or others may have their riding privileges suspended by the building principal or their designees, the Superintendent or the Superintendent's designees. In such cases, the student's parents/guardians 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 instruction and 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 parents/guardians 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 consequences 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 parents/guardians will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequences 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 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 parents/guardians 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 consequences 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 by utilizing various interventions including but not limited to counseling, restorative practices, mediation, and/or education as part of an intervention plan.

#### 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 promotion and prevention 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.

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. The teacher is to contact the family prior to the end of the school day and schedule a parent conference prior to removal. 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.
- 2The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- 3.The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or 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.

### **VIII. Consequences, Interventions and Referrals**

Restorative and accountable consequences and interventions are determined after a thorough investigation has been conducted to understand the event(s) that took place and the rationale. Proactive strategies are utilized within the classroom to support the development of positive and respectful behaviors. Where appropriate, proactive strategies should be considered before imposing any consequences. These strategies include but are not limited to clear behavioral expectations, informal behavior plans, behavior contracts, check in and check outs with PPS staff. Strong classroom management, relationships with students and engaging curriculum that allows for student voice and choice are the foundation of proactive positive behavioral supports.

Students will learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Students will be taught the skills necessary to engage in conversations about their own actions and decisions. District personnel who interact with students are expected to use consequences and interventions focused on the students' ability to grow in self-discipline and agency.

Consequences and interventions will be equitable, restorative, and accountable so as to be the most effective in promoting positive student behavior and minimizing inappropriate behaviors; with minimal loss of instructional time whenever possible. In determining the appropriate course of action, school personnel authorized to apply consequences and interventions will consider the following:

1. The student's age and maturity.
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 consequences and interventions.
5. The circumstances/context in which the conduct occurred: For example:

- o Whether the student is or has been experiencing harassment, bullying, cyberbullying, or a discriminatory classroom environment;
  - o Whether the student was reacting or responding to actual or perceived harassment, bullying, cyberbullying, or act of discrimination;
  - o Whether there was any effort to address the situation previously and its effectiveness;
  - o Which interventions, such as restorative practices, can adequately address the behavior at issue while enabling the student to remain in class, and whether such interventions have been tried before; and/or
6. The frequency and duration of the behavior;
  7. The number of persons involved in the behavior;
  8. The social emotional status/needs of all persons involved in the behavior; and For example:
    - o Family or community situations; and o
    - Substance use or addiction.
  9. Other extenuating circumstances, including but not limited to whether the behavior falls under the SAVE Act.

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.

As a general rule, consequences and interventions 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.

### **A. Consequences**

There are a variety of consequences and interventions that may be used to support students that have violated the Code of Conduct. Our goal is to support students by engaging them in learning about their behaviors and its impact, repairing the harm that has been done, and implementing strategies and teaching skills that prevent similar events from occurring in the future. There are a variety of consequences and interventions that may be implemented either alone or in combination. The school 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 school 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. Minimum Periods of Suspension**

### **1. Students who bring a **weapon** (as defined in section 1) to school:**

Any student found guilty of bringing a weapon such as, but not limited to, a firearm or knives 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:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The Superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- 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 who are 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 who are 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:

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 parents/guardians will be given the same notice and opportunity for an informal conference given to all students who are 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 who are 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.

### **C. Interventions**

Support and interventions are an integral part of a comprehensive response to behavior. There are a variety of supports and interventions that may be used as a stand alone or in combination with the consequences. These include but are not limited to:

- Assigned seating
- Teacher/Parent Conferences
- Mediation
- Restorative circles
- A facilitated workshop, lesson or assembly
- Additional course work to address the understanding of antiracism, anti-bias and/or anti-discrimination
- Participation in a club or equity team
- Counseling
- Referrals to outside agencies

### **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 student refuses to attend school.
- A student engages in a course of conduct which demonstrates the student is ungovernable, habitually disobedient, or beyond the lawful control of the school.
- A student possesses marijuana or illegal substances, or is 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".

3. Where appropriate, in addressing issues of discriminatory acts, language or behaviors, students may be provided options to attend workshops, after-school or summer courses on anti-bias and/or anti-discrimination.

4. Where appropriate, in addressing issues regarding substance abuse, referrals to agencies that support students' recovery will be recommended.

### **IX. Alternative Instruction**

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

## **X. 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.

Some form of top, bottom, and footwear must be worn at all times by all students.

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

1. Underwear and undergarments will be covered with outer clothing that is not see through.
2. Footwear must be worn at all times. Footwear that is a safety hazard will not be allowed.
3. Clothing may not include items that are vulgar, obscene, libelous. Additionally, clothing may not include items that denigrate others on account of race, color, hair texture and protective hairstyles, religion, creed, national origin, gender, sexual orientation, weight, physical appearance or disability.
4. Clothing may not include messages or depictions of items that are threatening, discriminatory or promote or cause fear, violence, or are otherwise disruptive of the educational environment.
5. 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.
6. Clothing that obstructs the identification of a student, including but not limited to hats and hoods, may not be worn in school except in cases of medical or any otherwise approved reason.
7. Clothing worn for religious and/or cultural reasons will be permitted including but not limited to durags, hijabs, turbans, yarmulkes, etc.

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 in accordance with the Arlington Central School District's Code of Conduct.

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. Whenever possible, violations of the dress code will be addressed privately and with minimal loss of instructional time. Any student who refuses to do so may be subjected to disciplinary consequences.

## **XI. 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 voluntary 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. Non-consensual Searches**

Non-consensual student searches may only be conducted where a school district administrator has reasonable suspicion that a student is in possession of illegal drugs, substances banned by the Code of Conduct, weapons or stolen items. There must be reasonable suspicion prior to conducting the search and the scope of the search must be reasonable, given the nature of the object for which the search is being conducted. Strip searches pursuant to which a student



would be subject to being viewed without being clothed in whole or in part may only be conducted by law enforcement authorities, unless there are exigent circumstances that reasonably present an imminent threat to the safety of persons or property. In such situations the school official may only conduct the strip search if authorized in advance by the Superintendent of Schools, in consultation with a school attorney. Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

### **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 23 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 administration will arrange for a private setting for that to occur. 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.

## **XII. 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. Students offering or receiving specific or general information from other students 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.

## **XIII. 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.

#### **XIV. 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 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:

- 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 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.

## **XV. 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](http://arlingtonschools.org)) or by contacting a District Coordinator or any school office.

### **The District Coordinator(s) are:**

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Central School District 144 Todd Hill Road LaGrangeville, NY  
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## **XVI. 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. 30

**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 1,11,111, 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 2 1/4 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 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 instances, 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.

### **C. 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 nondisabled 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.

#### **D. 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.

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:

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.
- 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 nondisabled 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.

## **E. 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.

#### **F. 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.

#### **G. 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.

### **XVII. 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: Mr. Paul Finch, Assistant Superintendent Section 504 Coordinator: Ms. Jill A. Post, Assistant Superintendent

### **XVIII. 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 and members of the public. 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. 40
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.
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.

## **XIX. 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 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 school 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.
2. In order to be granted entry into a school building or CAO, the visitor must show a photo ID and 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 security greeter and show photo identification. The security greeter or a staff member will utilize the visitor management system to confirm identification prior to granting further entrance to the building.
  - a. The visitor management system will check the National Register of Sex Offenders and if a positive match is made; appropriate steps will be taken to ensure the safety of all students.
  - b. The security greeter or staff member shall call the respective office/parties to confirm the appointment.
  - c. If there is a question related to the visit, the security greeter/staff member will contact the school administration for guidance.
  - d. Acceptable ID's shall include but are not limited to: driver's license, military ID, passport, and other government issued ID. Other forms of ID and those in question must be cleared by the building administrator.
  - e. School visitors will be issued a visitor badge that will include their name, photo, destination and date.
  - f. The badge contains security features that will make it evident if it has "expired".
  - g. While in a school building, on school grounds or at CAO, guests must wear a school-issued visitor badge at all times. The badge must be visible on the outermost garment being worn.
  - h. When possible, the person being visited or another building employee should meet the visitor in the main lobby and escort them to their destination.
  - i. When the visit is complete, the visitor must return the visitor badge 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.
  - j. 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 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 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.

Education Law Section 1708; 2801

NOTE: Refer also to Policy #6000 - Identification Badges District Code of Conduct

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