

# CODE OF CONDUCT

**2018-2019**



**Elmira City School District  
951 Hoffman Street  
Elmira, New York 14905**

## Code of Conduct Committee

The original Code of Conduct was developed in the winter and spring of 2001 by a committee of administrators, teachers, staff members, parents and students. Annually, the Code of Conduct Committee meets to review and update the Code of Conduct.

## Code of Conduct Review Committee

This Code of Conduct was reviewed and revised for the 2018-2019 school year by a committee of administrators, teachers, staff members, parents and students. They were:

Thomas Morrell, Athletic Director  
Tim Reidy, Athletic Manager  
Damian Saks, Assistant Principal  
Zachary Sarno, Teacher and Coach  
Jim McCauley, Teacher and Coach  
Dave Guyette, Teacher  
Dianna Jones, Parent  
Zaria DeMember-Shazer – Student  
Thompson Miller - Student

### **Co-facilitators:**

Derek Almy, Director of Student Services  
Debra Knoll, Secretary Student Services

The Elmira City School District hereby advises students, parents, employees and the general public that it offers employment and education opportunities without regard to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status.

Inquiries concerning this policy shall be addressed to:

**Jake Sheehan, Derek Almy, and Hillary Austin** Civil Rights Compliance Officers and  
**Jay Hillman**, Section 504 Compliance Officer

at: 951 Hoffman Street, Elmira, NY 14905 • (607) 735-3000

Elmira City School District  
951 Hoffman Street  
Elmira, NY 14905

**Superintendent**  
Hillary Austin

### **Board of Education**

Sara Lattin, President; Mary Tucker, Vice President; Maryann Friebis, Lynn Grottenthaler, Scott Moore, Josh Palmer, Randy Reid, Kevin Sullivan and Deborah White.

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## I. Introduction

The Elmira City School District Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is 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 civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).

This code applies to students, teachers, school personnel and visitors when on school property or when attending school functions as indicated in the code.

The code also applies to student conduct off school property which has a connection to or impact on a safe school environment as recognized under the decisions of the commissioner of Education.

## II. Definitions

For purposes of this code, the following definitions apply.

“**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, engaging in conduct which results in removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law section 3214(3)(a)

and the provisions set forth in the code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester.

“**Harassment**” or “**bullying**” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property or create or would foreseeably create a risk of substantial disruption within the school environment.

For purposes of this definition, “threats, intimidation or abuse” shall include verbal and non-verbal actions. In addition, the term “cyberbullying” shall refer to harassment or bullying, as defined above, that is carried out through any form of electronic communication.

“**Parent**” means parent, guardian or person in parental relation to a student, including in custody of the Department of Social Service.

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

“**School function**” means any school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that takes place in another state.

“**Violent student**” means a student under age 21 who:

- Commits an act of violence upon a school employee, or attempts to do so.
- 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.

- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property. **“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used to cause serious physical injury or death. This definition shall not apply to the possession or lawful use of a pocket knife with a blade less than 2.5 inches in length or other tools or instruments regularly used in the performance of duties by the district staff or its agents.

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

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

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

- Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Be in a safe and supportive learning environment, free from distractions and interference caused by clothing and be free from clothing competition.
- Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

- Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- Be protected from intimidation, harassment, bullying (including cyberbullying) and discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender or gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function, or activity.

#### **B. Student Responsibilities**

**All district students have the responsibility to:**

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused and be in class, on time and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- Respond to direction given by teachers, administrators and other school personnel in a respectful manner.
- Work to develop mechanisms to control anger.
- Ask questions when they do not understand.
- Seek help in solving problems that might lead to discipline.
- Dress appropriately for school and school functions.
- Accept responsibility for their actions.
- Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves high standards of conduct, demeanor and sportsmanship.
- Conduct themselves in a way that fosters an environment free from intimidation, harassment, bullying and discrimination and to report and encourage others to report any incidents of intimidation, harassment,

bullying or discrimination.

## **IV. Essential Partners**

### **A. Parents**

**All parents are expected to:**

- Recognize that the education of their children is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the district.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal well with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Communicate with teachers and other school personnel concerning the growth and achievement of their children.

### **B. Teachers**

**All district teachers are expected to:**

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, or sex, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.

- Communicate to students and parents:
- Course objectives and requirements
- Marking/grading procedures
- Assignment deadlines
- Expectations for students
- Classroom discipline plan.
- Communicate with students, parents and other teachers concerning growth and achievement.
- Confront issues of discrimination, bullying and harassment in any situation that threatens the emotional or physical health or safety of a student.
- Report incidents of discrimination, bullying and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator in a timely manner.

### **C. School Counselors/Social Workers/Psychologists (hereafter "Counselors")**

**All counselors are expected to:**

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with students their educational progress and career plans.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen students' self-concept and promote confidence to learn.
- Report incidents of discrimination, bullying and harassment that are witnessed or otherwise brought to one's attention to the building administrator and/or Dignity Act Coordinator in a timely manner.

## **D. Principals, Building Administrators**

**All principals and building administrators are expected to:**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal/building administrator and approach the principal/building administrator for redress of grievances.
- Evaluate on a regular basis all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, or sex, which will strengthen students' self-concept and promote confidence to learn.
- Follow up on any incidents of discrimination, bullying and harassment that are witnessed or otherwise brought to the principal's or building administrator's attention in a timely manner in collaboration with the Dignity Act Coordinator.

## **E. Superintendent**

**The superintendent is expected to:**

- Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination, bullying and harassment, supporting active teaching and learning.
- Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the code of Conduct and ensuring that all cases are resolved promptly and

fairly.

## **F. Board of education**

**The board of education is expected to:**

- Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be trained to handle human relations with respect to race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity and sex. The Dignity Act Coordinator will be accessible to students and other staff members, as needed, for consultation and advice concerning the Dignity Act.

## **V. Student Dress Code and Electronic Devices**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. This dress code is designed to help students and their parents recognize choices regarding attire that would be appropriate in their future workplace as well as in an educational setting. Students are expected to dress themselves

in a manner that is not potentially dangerous, does not distract others or disrupt education and does not convey a message contrary to district policy.

Students may not wear anything that contains wording or pictures that: make a derogatory statement; promote gang involvement; exploit illegal drugs, alcohol, tobacco or fire arms; have sexual or political connotations; are libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability; or in any other way, in the opinion of the administration of the school, reflect an inappropriate message or are in poor taste.

All district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in a school setting.

**A. Acceptable:**  
**Shirts/Sweaters/Sweatshirts**

- Crew, V-neck or hooded sweaters or sweatshirts, collared shirts, dress shirts, turtlenecks, long- or short-sleeved t-shirts.
- Shirts/sweaters/sweatshirts may not be longer than hip length; such clothing that is longer than hip length must be tucked in on request.
- Midriff and chest area must be covered.
- Tops must be at least below belt loops. If not, the shirts must be layered so that this length is met.
- Sleeveless tops (straps must be at least two fingers in width).

**B. Unacceptable:**  
**Shirts/Sweaters/Sweatshirts**

- Winter coats, jackets and outerwear inside during the school day.
- Tank tops (straps less than two fingers in width).
- Tube tops, halter tops or single-shoulder tops.
- Mesh or fishnet styles, if worn as a singular top with nothing underneath.
- Spandex-type materials.
- Clothing that exposes the back, chest, shoulders or midriff.
- Low-cut or plunging necklines.
- Sheer and see-through.
- Undergarments that are visible.

**C. Acceptable:**  
**Pants/Shorts/Skirts/Dresses**

- “Docker”-style pants, cargo pants
- Jeans, pants
- Capri-length pants, gaucho pants
- Bermuda or walking shorts
- Shorts, dresses, jumpers or skirts/skorts must be longer than the fingertips when hands are straight down.

**D. Unacceptable:**  
**Pants/Shorts/Skirts/Dresses**

- Baggy pants that
  - do not fit the wearer’s waist. (For example, wearing a size 38 when the actual waist is a size 30).
  - expose skin or undergarments.
  - need to be held up with a hand.
- Bottom of zipper on pants or shorts falls below the knee
- “Low rider” jeans that expose skin
- Pajama bottoms
- Undergarments, underwear or boxers that are visible
- Sheer and see-through clothing
- “Short-shorts”
- Chains or metal belts

**E. Acceptable: Footwear**

- Sneakers
- Loafers
- Boots
- Closed footwear, including clogs
- Crocs
- Nonflexible rubber sandals

**F. Unacceptable: Footwear**

- Flip-flops (flexible rubber sandals)
- “Heelies” (sneakers with built-in rollers)
- Any footwear with a heel higher than two inches or presents a safety hazard

**G. Accessories**

**Headgear:** Hats, headscarves, hoods, “hoodies,” wave caps, stocking caps, visors, sunglasses and bandannas must be removed upon entering the building and stored out of sight. This applies to both men and women. Administrative approval is needed for exceptional circumstances.

**Compromising Safety:** Heavy chains,

clothing or any other items with pointed metal studs that may be deemed hazardous in any way are not permitted in school. This includes, but is not limited to, wallet chains, bracelets, belts, chokers, rings, over-sized earrings, etc.

A good general policy is: If there is any question about an item being inappropriate, **DO NOT WEAR IT.**

Each building principal or his or her 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. Administrators reserve the right to identify exceptions to items identified in this policy.

## **H. Consequences**

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. In addition, any student who refuses to do so shall be subject to discipline as outlined.

- 1. First Offense:** Warning, parental notification
- 2. Second Offense:** Up to and including in-school suspension, parental notification
- 3. Third Offense/Repeated Offenses:** Up to and including out-of-school suspension, parental notification.

## **I. Electronic Devices**

The Elmira City School District assumes no liability for personal cell phones, iPods and other music devices, Game Boys and other gaming devices and PDAs.

### **1. Elementary Level**

iPods, MP3 players and similar music devices, Personal Digital Assistants (PDAs), Game Boys and other such electronic hand-held gaming devices shall not be used by students and should not be brought to school. Cell phones brought to school for communication with parents after school must be turned off and left in book bag/locker during the school day. Cell phones will be confiscated if seen or heard.

### **2. Middle Level**

Cell phones, pagers and similar hand-held communication devices, iPods, MP3 players and similar music devices and Personal Digital

Assistants (PDAs) shall not be used by students and must be turned off on school premises during the school day (from beginning bell to ending bell) except in conjunction with a teacher-authorized instructional support process such as electronic note-taking, scheduling of assignments and exams, etc. If not being used in a teacher-directed activity, these devices must be kept in the student's locker during the period of time between opening and closing school bells.

### **3. High School Level**

Cell phones, pagers and similar hand-held communication devices, iPods, MP3 players and similar music devices and Personal Digital Assistants (PDAs) shall not be used by students and must be turned off or on vibrate on school premises during the school day (from beginning bell to ending bell) except in conjunction with a teacher-authorized instructional support process such as electronic note-taking, scheduling of assignments and exams, etc.

High school students may use such devices as defined by the high school and in an "electronic device zone" also identified by the high school.

### **Consequences**

- 1. First Offense:** Warning
- 2. Second Offense:** Confiscation. Student must pick up at the end of the day.
- 3. Third Offense/Repeated Offenses:** Confiscation and parent will pick up phone at school.

## **VI. Student Technology Use**

All technology use requires the exercise of common sense, courtesy and universally accepted usage rules to maximize the benefits for all. Internet access is coordinated through a computer association of government agencies, states, regional and local networks. These guidelines are provided here so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical and legal use of the network resources. If an Elmira City School District (ECSD) user knowingly violates any of these provisions, their account will be terminated.

### **Elmira City School District Wide Area Network – Terms and**

## **Conditions**

1. **Acceptable Use** – The purpose of the Elmira City School District’s Wide Area Network (W.A.N.) and link to the Internet is to support research and education by providing access to unique resources worldwide. The use of your account must be in support of educational research and consistent with the educational objectives of the E.C.S.D. Transmission of any material in violation of any U.S. or State regulation is prohibited which includes but is not limited to: copyrighted material, threatening or obscene material or material protected by trade secret. Use for commercial, religious or political endeavors is prohibited.
2. **Privileges** – The use of the Network is a privilege and inappropriate use could result in a cancellation of those privileges. The systems administrator will investigate any reported or observed infractions and may close an account at any time.
3. **Network Etiquette** – We are all expected to follow the universally accepted rules of network etiquette and to use good common sense. These include (but are not limited to) the following:
  - a. Be polite and use appropriate language.
  - b. Maintain the confidentiality of all users on the network.
  - c. Preventing others from accessing the system by running wasteful jobs such as mass mailings, chain letters or intentionally crashing the system is unacceptable.
  - d. Have all software approved by the system administrator before it is installed on the system.
  - e. Attempting to gain unauthorized access to any computer or system application is unacceptable.
  - f. Using, accessing, copying other users’ data or programs without permission and/or acknowledgement is plagiarism and is unacceptable.
  - g. Use of inappropriate material including but not limited to obscene materials, weapons, bombs, etc. is unacceptable.
4. **Security** – Security is a high priority on our Network System and must be respected by all. Use of another’s account or password is not acceptable and may result in the cancellation

of user privileges. Any user identified as a security risk on our system or other systems may be denied access to our system including Internet privileges.

5. **Vandalism**– Vandalism will not be tolerated and will result in the cancellation of privileges and possible additional consequences. Vandalism is defined as any attempt to harm or destroy the data of other users and to damage any software or hardware connected to the system. Violators will be required to make restitution covering damages to hardware or software including the labor cost to repair or restore the damage and may face additional consequences.

## **VII. Dignity for All Students Act**

The Dignity for All Students Act (DASA) was signed into law by former Governor David Paterson and became effective on July 1, 2012. This legislation is intended to provide students with a school environment that is safe, supportive and free from discrimination, intimidation and harassment on school property, on a school bus or at a school function.

DASA defines harassment as “the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property or create or would foreseeably create a risk of substantial disruption within the school environment.”

All students will conduct themselves in a manner that fosters a school environment that is free from intimidation, harassment, bullying (including cyberbullying) and discrimination and will report and encourage others to report any incidents of intimidation, discrimination, or harassment based upon, but not limited to a

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student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. All acts of intimidation, discrimination or harassment will be subject to disciplinary action.

### DIGNITY ACT COORDINATORS

Beecher Elem. Sch.	M. Lanning	735-3500
Broadway Elem. Sch.	R. Kiley	735-3600
Coburn Elem. Sch.	J. Johnston	735-3650
Diven Elem. Sch.	P. Davis-Webb	735-3700
Fassett Elem. Sch.	M. Cox	735-3900
Hendy Elem. Sch.	M. Vesci	735-3750
Pine City Elem. Sch.	R. Baran	735-3800
Riverside Elem. Sch.	H. Donovan	735-3850
Broadway Academy	R. Bailey	735-3300
Ernie Davis Academy	C. Rollins	735-3100
Elmira High School	C. Krantz	735-3200

## VIII. Prohibited Student Conduct

The board 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 community and for the care of school facilities and equipment.

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

The board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties 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:

- Running in hallways.
- Making unreasonable noise.
- Using language, gestures, or other actions that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 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.
- Dressing in violation of the dress code.

### B. Engage in conduct that is insubordinate.

Examples of insubordinate conduct include but are not limited to:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees/representatives in charge of students or otherwise demonstrating disrespect.
- Lateness for, missing or leaving school without permission.
- Skipping detention.
- Repeatedly dressing in violation of the dress code or refusing to change clothing when requested by a teacher or school administrator.

### C. Engage in conduct that is disruptive.

Examples of disruptive conduct include but are not limited to:

- Failing to comply with the reasonable direction of teachers, school administrators or other school employees/representatives in charge of students.

### D. Engage in conduct that is violent.

Examples of violent conduct include but are not limited to:

- 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.
- Possessing a weapon regardless of the intent, motive or knowledge of the student possessing the weapon.
- Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

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- Displaying what appears to be a weapon.
- Threatening to use any weapon.
- 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.
- Intentionally damaging or destroying school district property.
- Engaging in harassing conduct, verbal or non-verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

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

Examples of such conduct include but are not limited to:

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 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 identifiable group by demeaning them.
- Discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity or sex as a basis for treating another in a negative manner.
- Harassment or the creation of a hostile environment by conduct or by verbal or non-verbal threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with another student's educational performance, opportunities, or benefits, or mental, emotional, or physical well-being, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity or sex.
- 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.
- Bullying (which may consist of, but is not limited to, intimidating physical or

psychological negative acts carried out against another repeatedly over time), including "cyberbullying."

- Selling, using or possessing obscene material.
- Using vulgar or abusive language, cursing or swearing.
- Smoking a cigarette, an e-cigarette, cigar, pipe or using chewing or smokeless tobacco.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages 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 or synthetic drugs or other substances.
- Inappropriately using or sharing prescription and over-the-counter drugs.
- Gambling.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher.
- Students may not make any audio-visual recording (using a cell phone or any other device) of visitors, teachers, staff, classes, and/or other students without express permission to do so. Students may never make any such recording of a person in a private facility (such as a restroom, locker room, or nurse's office).

### **F. Engage in misconduct that endangers and/or distracts the bus driver while on a school bus**

Examples of misconduct on a school bus include but are not limited to:

- Excessive noise
- Pushing
- Shoving
- Fighting
- Changing seats

### **G. Engage in any form of academic misconduct**

Examples of academic misconduct include but are not limited to:

- Plagiarism
- Cheating
- Copying
- Altering records
- Assisting another student in any of these actions

## **IX. Reporting Violations**

Any student, employee, or person observing or

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having knowledge that a student or person on school property or at a school function possesses a weapon, alcohol or illegal substance shall report this information immediately to a teacher, counselor, building principal or other staff member.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their building administrator/designee, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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 sanction if warranted, which may include permanent suspension and referral for prosecution.

It is the policy of the Elmira City School district that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They also may be summoned to maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

## **X. Disciplinary Penalties, Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs and in a way that is fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.
- As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.
- A student identified as having a disability shall not be disciplined for behavior related to his/her disability. Such conduct must be

### **A. managed in accordance with that student's behavior intervention plan. Penalties**

Students who are found to have violated the district's code of conduct may be subject but not limited to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the district staff.
2. Written warning – coaches, counselors, teachers, supervisors of transportation/designee, principal, Superintendent.
3. Written notification to parent – coaches, counselors, teachers, supervisors of transportation/designee, principal, Superintendent.
4. Detention – teachers, principal, superintendent.
5. Suspension from transportation – supervisor of transportation, principal, superintendent.
6. Suspension from athletic participation – coaches, athletic program supervisor, principal, superintendent.
7. Suspension from school or extracurricular activities – athletic director, principal, superintendent.
8. Suspension of other privileges – principal, superintendent.
9. In-school suspension – principal, superintendent.
10. Removal from classroom by teacher – teachers, principal.
11. Short-term (five days or less) suspension from school – principal, superintendent, board of education.
12. Long-term (more than five days) suspension

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from school – principal, superintendent, board of education.

### **B. Procedures**

The degree to which a student's due process rights are implicated is directly related to the seriousness of the penalty sought to be imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who receive penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

#### **1. Detention**

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention. The district shall make appropriate policies and procedures to ensure the provision of appropriate continued educational programming and activities for students in detention.

#### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver/monitor is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the supervisor of transportation, building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. If the suspension from transportation amounts to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the

13. Permanent suspension from school principal, superintendent, board of education. student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or designee to discuss the conduct and the penalty involved.

#### **3. Suspension from athletic participation, extracurricular activities and other privileges**

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

## **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 control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in a classroom or in an administrator's office; (2) sending a student into the hallway briefly with supervision; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as 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, engaging in conduct which results in removal of the students from the classroom by teacher(s) pursuant to the provisions of Education Law section 3214(3)(a) and the provisions set forth in the code of Conduct on four or more occasions during a semester, or three or more occasions during a trimester. 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 classroom teacher may remove a disruptive student from class for up to three days. The removal from class applies only to the class of the removing teacher. The principal, however, may exercise his/her authority of suspension, when appropriate in his/her judgment pursuant to the procedures in Education Law §3214.

If the disruptive student does not pose a danger or on-going threat of disruption to the

academic process, the teacher making the removal must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her 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 he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

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

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

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference held during the work day.

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 set aside the removal of the student from class if the principal finds any one of the following:**

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

The principal or his or her designee may overturn a removal at any point between receiving the district disciplinary removal form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. 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.

The district shall make appropriate policies and procedures to ensure the provision of appropriate continued educational programming and activities for a disruptive student removed from the classroom.

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 class until he or she has verified with the principal or the chairperson of the committee on special education that the removal will not violate the student's rights under state or federal law or regulation.

**6. Suspension from school**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or

disruptive, or whose conduct endangers the safety, morals, health or welfare of others.

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

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. The district shall make appropriate policies and procedures to ensure the provision of appropriate continued educational programming and activities for students given in-school suspensions.

**a. Short-term (five days or less) suspension from school**

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

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

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

After the conference, the principal shall promptly advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. If an appeal of the superintendent's decision is made to the board, the board will make its decision based solely on the record of proceedings from which the appeal has been taken. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the commissioner within 30 days of the decision.

**b. Long-term (more than five days) suspension from school; Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger

to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

When the suspending authority determines that a suspension for more than five days or a permanent suspension may be warranted, he or she shall give reasonable notice to the student and to the person in parental relation to such student of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board. The board will make its decision based solely upon the record of proceedings from which the appeal has been taken. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the commissioner within 30 days of the decision.

**c. Minimum Periods of Suspension for Violent Students**

**1. Students who bring a weapon to school**

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

The suspending authority has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty the suspending authority 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 weapon to school**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the suspending authority may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**d. Minimum Periods of Suspension for Other Offenses**

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

Any student, other than a student with a disability, 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 at least five days. 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, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the suspending authority may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**e. Referrals**

1. The suspending authority may determine that given the circumstances of a disciplinary case, the student may benefit from services rendered by an appropriate human service agency. Upon such determination, the suspending authority may recommend but not direct the student and parent that the student participate in the agency's services. In such case, the suspending authority will make a written referral to the recommended agency.
2. Counselors shall handle referrals of students to counseling.
3. PINS Petitions: The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
4. Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
5. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
6. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.

7. Juvenile Delinquents: The superintendent is required to refer any student under the age of 16 who brought a weapon to school or possessed a weapon on school grounds to the County Attorney or Probation Department for a juvenile delinquency proceeding before the Family Court.
8. Juvenile Offenders: The superintendent is required to refer to the appropriate law enforcement officials any student age 16 and older or any student 14 or 15 years old who would qualify for "juvenile offender" status under Section 1.20(42) of the Criminal Procedure Law when such students have brought a weapon to school or possessed a weapon on school grounds.

## **XI. Alternative Instruction**

When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative educational programs appropriate to individual student needs.

## **XII. Discipline of Students with Disabilities**

The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This code of conduct affords students with disabilities subject to disciplinary action those rights afforded by applicable federal and state law and regulations.

### **A. Authorized Suspensions or Removals of Students with Disabilities**

#### **1. For purposes of this section of the code of conduct, the following definitions apply:**

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

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and/or change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student

poses a risk of harm to himself or herself or others. A removal from the instructional setting consistent with the student's Behavior Intervention Plan (BIP) is not a removal for disciplinary reason.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

- a) The board, the superintendent 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 order the placement of a student with a disability onto an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to for the same behavior.
- c) The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those suspensions do not constitute a change of placement.

- d) The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to 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.

“**Weapon**” means the same as “dangerous weapon” under 18 U.S.C. §930 (g)(w) which includes “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 ... (for) a pocket knife with a blade less than 2 1/2 inches in length.”

“**Controlled substance**” means a drug or other substance identified in certain provisions of the Controlled Substances Act.

“**Illegal drugs**” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or other applicable federal or state law.

### **3. IAES Placement**

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## **B. Change of Placement Rule**

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.

A disciplinary change in placement occurs when a suspension or removal from a student's current educational placement 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 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.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation (nexus) of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substance.

## **C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

The district's committee on special education shall:

- a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines

necessary.

- b) Conduct a manifestation determination review (nexus) of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 of the NYS Education Law at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a) The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.
  - If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the

student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, such student shall remain in the educational placement determined by the district, which can include suspension.

The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilty phase and a penalty phase in accordance with the procedures set forth in the commissioner's regulations incorporated into this code.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school 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 the CSE has determined that the behavior is not a manifestation (nexus) of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the commissioner's regulations incorporated into this code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the commissioner's regulations if:
  - The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - The parent requests such a hearing from a determination that the student's behavior was not a manifestation (nexus) 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 the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substance, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation (nexus) of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an

IAES.

4. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### **E. Referral to Law Enforcement and Judicial Authorities**

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

The district may report a crime committed by a child with a disability to appropriate authorities and such action will not constitute a change of the student's placement.

The superintendent/designee 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.

### **XIII. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

Protect oneself, another student, teacher or any person from physical injury.

Protect the property of the school or others.

Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the commissioner of education in accordance with commissioner's regulations.

## **XIV. Student Searches and Interrogations**

The board of education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student.

### **A. Searches of Students or their Belongings**

In addition, the board authorizes the superintendent and building principals/administrators/designee to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. The authorized school official may also request a student to remove a jacket or outer coat or to empty pockets in such circumstances. Gym bags, knapsacks, or packages that students carry in or on school property are subject to search at any time that school officials have reason to believe contraband may be contained therein. An authorized school official may also conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, even without reasonable suspicion, so long as the school official has a legitimate reason for a very limited search.

An authorized school official may search a student or the student’s belongings based upon information received which is reliable and which indicates that the student is likely in possession of a weapon, illegal drugs, alcohol or other contraband which would constitute a violation of this code.

Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be

limited to the extent necessary to locate the evidence sought.

### **B. Student Lockers, Desks and Other School Storage Places**

Students have no reasonable expectation of privacy with respect to student lockers, desks and other school storage places. This is school property 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.

### **C. Canine Searches**

The district has the option of initiating an unannounced canine search of any of its school buildings at any time of the day throughout that school year.

### **D. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly making a report of any item seized and coordinate with the building principal if disciplinary action is warranted under this Code.

When appropriate, the building principal/designee shall be responsible for contacting the police and delivering any weapon or illegal contraband.

### **E. 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, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant; or
- Probable cause to believe a crime has been committed on school property or at a school function; or
- Been invited by school officials.
- If police are involved in the questioning of

students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a crime committed on school property. If the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardians.

## **F. 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 and coordinated through the building principal/designee.

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 he or she 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.

## **XV. Visitors to Schools**

The building principal/designee is responsible for all persons in the building and on the grounds. Anyone who is not a regular staff member or student of the school will be considered a visitor.

The following rules apply to visitors on school grounds:

- Except as otherwise provided in this section, all visitors to the school must report to the

main office upon arrival at the office. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge and sign out at the main office before leaving the building.

- Visitors attending school functions open to the public, such as parent-teacher organization meetings or concerts, are not required to register.
- Parents or citizens who wish to visit a classroom while school is in session must obtain prior approval of the classroom teacher(s) and the building principal.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal/designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XVI. Public Conduct on School Property**

For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function. 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.

### **1. Prohibited Conduct on School Property**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- 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.
- Disrupt the orderly conduct of classes, school programs or other school activities.

- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- Smoke a cigarette, cigar, pipe, e-cigarette, or use chewing or smokeless tobacco.
- 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.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance or board policy while at a school function.

## **2. Penalties for Misconduct on School Property**

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

- Visitors 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 are then trespassing and the police will be called.
- district personnel may be subject to disciplinary proceedings and penalties consistent with their collective bargaining

agreement and/or the law (their legal status).

## **3. Enforcement of Public Conduct on School Property**

The building principal/administrator or the district personnel supervising an area or event shall be responsible for enforcing the rules of public conduct of this code.

## **Transportation policy**

Transportation policy is set by the board of education of the Elmira City School District. State education law requires school districts to provide transportation to district residents, other than those living in the city, who live more than two miles (if elementary students) or three miles (if secondary students) from the school they legally attend.

Transportation for students attending public schools other than their assigned schools is the responsibility of their parents or guardians.

### **Elementary level**

All students who attend elementary schools are eligible for bus transportation to the school to which they are assigned if their residence is located at a distance of one mile from the school (as measured along the shortest possible road course) equal to or in excess of one mile.

Transportation for students attending public schools other than their assigned schools is the responsibility of their parents or guardians.

### **Exceptions**

The only exceptions to the Transportation Policy are:

- Elementary students are not expected to walk across four-lane highways.
- Elementary students are not expected to cross any river.
- Elementary students are not expected to walk on main county highways that have a high volume of traffic, poor visibility and no shoulders.

### **Academy level**

All students who attend middle school are eligible for bus transportation to school if their

residence is located at a distance from the school (measured along the shortest possible road course) equal to or in excess of 1.5 miles.

### **High school level**

All students who attend senior high school are eligible for bus transportation to high school if their residence is located at a distance from the school (as measured along the shortest possible road course) equal to or in excess of two miles.

### **Winter warning**

When hazardous road conditions cause school cancellations, an announcement will be made shortly after 6 a.m. on all Elmira radio and TV stations. You can also receive information about school closings by calling 735-3970 after 6 a.m. You can also check the district website:

**[www.elmiracityschools.com](http://www.elmiracityschools.com)** and the district Facebook page:

**[www.facebook.com/ElmiraCitySchoolDistrict](http://www.facebook.com/ElmiraCitySchoolDistrict)**

Please do not call radio or TV stations or school officials.

If a storm hits while school is in session, we do not dismiss early. If students stay in school, it gives highway crews a chance to clear the roads.

### **Delayed start**

Winter weather conditions may warrant a district decision to delay the start of school by one or two hours. If this situation occurs, the announcement will be made on all Elmira radio and TV stations no later than 5:30 a.m. The statement will be made that the start of school for the Elmira district will be delayed. If the delay is subsequently changed to a school closing, the decision will be made by 6:30 a.m. and will also be announced on TV and radio.

### **A delay means:**

- Every child's schedule will be two hours later – at the bus stop and for the start of school. The return home will be at the regular time.
- Classes may be shortened or modified in each individual school to accommodate the day's requirements.
- The lunch menu will likely remain the same for that day and regular lunch times will be followed.
- There will be no breakfast program that day.
- Morning BOCES students will not attend

BOCES but will be required to report to the high school to a room designated by the principal.

- **Note: Please do not drop off your child or allow him/her to walk to school early.** There will be no supervision and schools will still be locked, as staff will also be reporting to work two hours late.

### **Special information**

Do not lose your bus privilege – follow these rules!

- Observe classroom conduct.
- Be courteous; use no profane language.
- Do not eat or drink on the bus.
- Keep the bus clean.
- Cooperate with the driver.
- Do not smoke.
- Do not damage bus or equipment.
- Stay in your seat.
- Keep head, hands and feet inside the bus.
- Do not fight, push or shove.
- Do not tamper with bus equipment.
- Do not bring pets on the bus.
- Do not bring flammable material on the bus.
- The bus driver is authorized to assign seats.
- Have a safe trip!

### **Other scheduling and routing information**

#### **Side roads**

Transportation will not be provided on side roads that are not maintained by town highway departments if the lack of maintenance makes it unsafe to travel on these roads. Examples of unsafe conditions are flooding, road erosion, ice, snow and mud.

#### **Private roads**

Transportation will not be provided on highways that have not been dedicated and/or maintained by town, county and/or state highway departments.

#### **Turnarounds**

Turnarounds will not be established unless adequate space is available and this space is properly maintained (Education Law section

3062,3635). All turnarounds must be approved by the Transportation Supervisor or designee.

**Babysitters and day care centers**

Students will be transported to approved day care centers, private babysitters and latchkey locations within our district, according to board of education policies. The location must be on a regular bus route from that school where students can be dropped off at an approved bus stop location and the request must be made in writing. Contact the transportation department (735-3950) for further information.

**Private schools**

We provide transportation to private schools as required by state law. Parents requesting such transportation must do so in writing prior to April 1 of the year for which transportation is being requested (in March for the following September). The request must be renewed every year.

**Lost children**

If your child doesn't get off the bus, call the school at once. Remember, the safest place for your child is on the bus. If your child got on the wrong bus by mistake, he/she will be brought home as soon as possible.

**Bus drills**

According to a schedule established by the state Education Department, at least three bus emergency drills must be conducted each year by the school principal or his/her designee. The procedure for pupils to follow in case of an accident, including instructions on use of emergency exit windows and doors, will be covered.

**Supervision**

Each school will have supervision for bus students during the time between bus arrival and the start or finish of school. The schools are also responsible for the safety of pupils boarding or disembarking.

The driver of each bus is responsible for seeing that all rules are obeyed on the bus. The driver has full authority and may assign seats if necessary.

**Information for students**

Each student must be on time. Students should be ready five minutes before the scheduled pick-up time.

Small radios or iPods are allowed if a headset is used.

in Passengers should hold large packages and em

strument cases while on the bus, not leave th in the front of the bus or in the aisle.

**Items allowed if held on lap:**

Piccolo	Alto saxophone	Oboe
French horn	Flute	Trumpet
Soprano clarinet	Violin	Bassoon
Viola	Snare drum	Fishing pole
Lacrosse stick	Baseball/softball bat	

**Items not allowed on a school bus**

Alto clarinet	Bass clarinet	Hula hoops
Contrabass clarinet	Tenor saxophone	Glass objects
Baritone saxophone	Baritone horn	Tuba
Hockey sticks	Trombone	String bass
Cello	Aerosol cans	Skis/poles
Skateboards	Skates	Scooters
Explosive/flammable materials or liquids		Guitar
Weapons, as defined in this code		
No live or dead animals are allowed on a school bus.		

The district reserves the right for its transportation personnel to ban or permit other objects on a case-by-case basis. Special permission can be requested, and other questions answered, by contacting the Bus Garage at 735-3950.

**Note for parents of students receiving special education**

Please have your child ready 10 minutes before the scheduled pickup. In the afternoon, have someone home 20 minutes before your child's scheduled drop-off time.

If for any reason your child is not going to school, please call the bus garage before 6:30 a.m. If possible, let us know at this time when your child will return. When we go to your house in the morning and your child does not come out, it causes unnecessary delays in the bus route. If this happens two days in a row, we will not return to your house until you call and inform us that your child is ready to return to school.

Each special bus covers a special area. We need to know if your child is going to a babysitter after school, as your child might have to ride a different bus. Check with the bus garage ahead of time to determine if your babysitter is in a bus area.

Students are expected to behave on the bus or

they will be written up. Repeated write-ups will result in disciplinary action or suspension of riding privileges.

### **Responsibilities**

Each of the following sections points out specific duties of the transportation department, schools, bus passengers, bus driver, parents and chaperones on a bus.

### **Board responsibilities**

It is the responsibility of the board of education to set policy regarding bus transportation for the district.

### **Superintendent responsibilities**

The responsibility for administering the transportation program rests with the superintendent of Schools. The Administration is expected to adhere to applicable laws, regulations and policies established by federal, state and local authorities. This responsibility is, in part, delegated to the supervisor of transportation, who reports to the superintendent.

### **Supervisor of transportation responsibilities**

The supervisor of transportation is responsible for:

- Establishing bus rules.
- Assigning bus drivers.
- Arranging for, recording and reporting bus drivers' overtime.
- Arranging transportation for special trips, such as outdoor education, recreational programs and educational trips.
- Preparing specifications for bidding on new buses.
- Arranging for special transportation for students attending other school districts.
- Planning and arranging for preventive and other maintenance on buses and other vehicles.
- Reviewing and approving payment of bills for maintenance, special transportation and overtime.
- Maintaining a continuous analysis of transportation costs and providing reports as requested.
- Preparing transportation contracts and NYSED reports.

- Assisting in bus driver personnel management.
- Assisting in providing required bus drill instruction.
- Assisting in the transportation budgeting process.
- Administering the bus transportation discipline policy.

### **Building principal responsibilities**

Each principal is responsible for the following:

- Requiring that regular instruction and pertinent safety regulations are provided for all pupils.
- Providing adequate supervision at school bus loading and unloading zones. Bus riders should not be permitted to move toward the bus at school loading zones until the bus has been brought to a full stop. Pupils should line up and take their turns entering the bus in an orderly manner.
- Ensuring student awareness that the same student behavior expected in the classroom is to be practiced on the school bus.
- Taking prompt action on all behavior problems where principal involvement has been requested.
- Enforcing safe traffic regulations at the school site.
- Reporting to the supervisor of transportation any unsafe conditions or practices brought to his/her attention relating to the transportation program.
- Requiring that pupils ride their assigned school bus and do not board a bus going to any destination other than their home or assigned activity without proper authorization.
- Informing the transportation department when bused students have been suspended from school.

### **Bus driver responsibilities**

Each school bus driver must do the following:

- Drive a school bus safely, defensively and efficiently.
- Operate the vehicle at a safe speed according to conditions at all times.

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- Obey all traffic laws and regulations.
- Keep bus clean inside and out.
- Be present for designated bus run at least 15 minutes prior to the scheduled leaving time and complete daily pre-trip inspection of the bus.
- Assign seats to students.
- Maintain reasonable behavior of students and enforce all rules and regulations.
- Report, in writing, to the Transportation Supervisor cases of student misconduct that endanger the health, safety and welfare of self and others.
- Instruct all pupils to walk 10 feet in front of the bus.
- Avoid the use of alcoholic beverages or drugs that may induce sleep or drowsiness when their period of effectiveness coincides with the time scheduled for driving
- Report accidents to the Transportation Supervisor.
- Make out daily reports, revised bus lists, seating charts and time schedules as required.
- Observe the rules and regulations set forth by the board of education, commissioner of education, department of transportation and department of motor vehicles.
- Instruct students in safe crossing procedures.

### **Parent responsibilities**

Parents play an important role in the safe and efficient operation of the school's transportation system. If the system is to function effectively, parents must assume an obligation to the program and to the people responsible for its operation.

Parents are expected to ensure that children are at bus stops on time and properly clothed for the weather.

Parents are expected to insist on the good behavior and cooperation of their children at bus stops and on the bus so drivers can concentrate on safely driving the bus.

Parents should make written suggestions to school authorities for any improvement of the bus transportation program.

Note: Videotaping is conducted on the buses, at our discretion, to ensure the safety of your children.

### **Permission to ride a different bus**

Permission is required to ride a different bus or to get off at a different stop. Students must

normally be bus riders to receive permission to ride another bus. Call 735-3950 to get permission for students to ride a different bus. Also send notes for the driver and the school.

Requests may be denied because the requested location is not on the bus route or may be a dangerous place for the bus to stop. Because of these limits, it is important to check with the bus garage on the day of the request to confirm approval. If you have a long-term need for a change in your child's transportation, you should contact the bus garage at 735-3950.

### **Student responsibilities while waiting for the bus:**

Students should arrive at their bus stop five minutes before the scheduled pick-up time and wait several feet away from the bus stop. Any students who are not on time will be left behind. While walking to and waiting at the bus stop, students should:

- Avoid standing or playing in the road.
- Keep books, lunch pails & instruments off the road.
- Not litter or damage surrounding property.
- Not throw objects at the bus or other students.
- Not crowd into the road as the bus arrives.
- Not arrive at the bus stop earlier than 10 minutes before the time the bus usually arrives.
- Not allow younger children who are not attending school to come to the bus stop.
- Observe all safety precautions while waiting.
- If possible, avoid crossing streets.
- Whenever crossing a street, look both ways and cross if no moving vehicles are approaching from either direction.
- Do not push, pull or chase any other students.
- Avoid trespassing on private property & being noisy.

### **As the bus approaches:**

- Line up at least six feet from the highway.
- Do not approach the bus until it has stopped.

### **Loading the bus:**

- When getting on the bus, cross the road 10 feet in front of the bus (never in back) and wait to be signaled to do so by the bus driver.
- At school dismissal time, go immediately

to your bus. Students who miss their bus should immediately report back to the school's main office. The bus will not stop to board students it departs from the bus stop.

- Get on the bus quickly, in an orderly fashion and be seated at once (unless seats are not available).
- Load the bus from the middle of the bus first.
- If seats are not available, go to the back of the bus, remain standing in the middle aisle and grasp the seat back firmly before the bus begins to move.
- Listen and obey any directions issued by bus personnel.

### **Riding the bus:**

- Stay in your seat. It is appropriate for three to sit in each seat, being careful not to block the aisle.
- Heads, hands and legs must stay inside the bus.
- Listen carefully and obey the bus driver.
- Remain on the bus until arrival at your destination.
- Profanity, loud talking, horseplay or behavior that might divert the bus personnel's attention is not permitted.
- Keep the bus clean and care for bus equipment. Emergency doors and windows, as well as other bus equipment, are to be used only when appropriate.
- Show identification upon request and comply with all requests by the bus driver, the monitor or other district personnel.
- Do not throw objects in or at the bus or at other vehicles.
- You may not eat food or candy on regular bus routes.
- Sit quietly, face forward and remain seated until the bus stops. Do not change seats unless directed by bus personnel.

Destruction or damage to a school bus or student's property could result in an immediate suspension from riding the bus and/or restitution for damages.

### **Unloading the bus:**

- Remain seated until the bus comes to a complete stop and the bus driver has opened

the door.

- When getting off the bus, cross the road 10 feet in front of the bus (never in back) and wait to be signaled to do so by the bus driver.
- Stop at the center of the roadway and look both ways before proceeding.
- Get on and off the bus at your regular designated stop.
- A written request from your parent or guardian to the principal must be presented before you may be allowed to get off at any other stop or ride a bus other than the one you have been assigned to.

### **Bus drills**

The drills on school buses required by Section 3623 of the Education Law include practice and instruction in the location, use and operation of emergency doors, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident. Drills will also include instruction in safe boarding and exiting procedures with emphasis on when and how to approach, board, disembark and move away from the bus. Each drill should include specific instructions for pupils to advance at least 10 feet in front of the bus before crossing the highway after snow, ice, rain and other inclement weather. All drills will include instruction in the importance of orderly conduct by all school bus passengers.

Students who do not ride a school bus must participate in either on-board drills or receive in-class instruction concerning bus safety practices and procedures. A minimum of three such drills will be held during the school year, the first to be conducted during the first seven days of the fall term, the second prior to Jan. 1 and the third prior to May 1. No emergency drills will be conducted when buses are on route.

Once each year the district will hold a special emergency drill. All students will go home 15 minutes early. Notice of the drill will be sent home. School authorities will certify on the annual report to the state Education Department that the district has complied.

**Non-public schools in the district must also participate in bus drills.**

### **Discipline**

Continued disorderly conduct or persistent refusal to submit to the authority of the bus personnel is sufficient reason for a pupil to be denied transportation on a school bus. The school district may deny students bus transportation if safety guidelines are violated.

**Parents and guardians still have the legal responsibility to have their children attend school and must assume any transportation responsibilities if the student is suspended from school bus transportation.**

### **Consequences for inappropriate student behavior**

The supervisor of transportation or his/her designee will deal with reports from bus personnel concerning student misbehavior. The supervisor of transportation may request a meeting with the parents of a student who misbehaves and has the authority to prevent that student from riding the bus.

Bus personnel are obligated to report violations of rules to the supervisor of transportation. Bus personnel will complete the bus conduct report and forward to the supervisor of transportation. The supervisor of transportation's action will be filed and copies sent to the student's parents, principal and bus personnel.

### **First offense**

Bus personnel will complete a bus conduct report form and submit it to the supervisor of transportation, who will call the parents to request their assistance. Parents will receive a copy of the bus conduct report. Bus personnel should make an attempt to correct any discipline problems by speaking directly to the student(s) involved and, if necessary, making special seat assignments for certain students.

### **Second offense**

The student may be suspended from the bus for five days. During the period of suspension, the parents shall be responsible for transportation to and from school. The bus personnel will complete a bus conduct form and submit it to the supervisor of transportation. The supervisor of transportation will communicate the situation to the parents and building principal or his/her designee. The action taken will be noted on the

report and copies sent to the building principal.

The action report will be placed in the student's school record file. A copy of the report will be sent to the parents/guardians. The supervisor of transportation will offer to schedule a conference with the child and parents to allow the parents the opportunity to discuss and appeal the suspension. The building principal will be notified of the meeting and will attend if appropriate.

### **Third offense**

The student may be suspended from the bus for 10 school days. During the period of suspension, the parents are responsible for transportation to and from school. The procedures outlined for the second offense will be followed.

### **Fourth offense**

The student may be suspended for the remainder of the school year. During the period of suspension, the parents are responsible for transportation to and from school. The procedures outlined for the second offense will be followed. The supervisor of transportation may suspend the transportation privilege indefinitely.

### **Inappropriate behaviors**

The following behaviors may result in immediate suspension from the school bus after proper warning and notification:

- Abusive language to bus personnel
- Striking bus personnel
- Striking another student
- Fighting on the school bus, whether started or participated in
- Smoking or use of smokeless tobacco
- Exiting a bus without permission
- Alcohol on bus
- Refusal to give name
- Drug-related incident
- Interfering with the health, safety and welfare of self or others
- Weapons of any kind

### **Immediate suspension of riding privileges:**

- The bus personnel will notify the supervisor of transportation by written report of an existing problem.

- The supervisor of transportation will investigate the report and make a determination as to action to be taken.
- The supervisor of transportation will notify the parents by mail and personal contact of the suspension of riding privileges for the child. Also, he will offer to schedule a conference with the child and parents to allow the parents to discuss and appeal the suspension.
- The building principal will be notified of the meeting and will attend if appropriate.
- During the period of suspension, the parents are responsible for transportation to and from school.
- Proper record of each offense, parental conference and disciplinary action will be maintained.

### **Right of hearing and appeal**

A hearing will be scheduled at the parents' request. A bus transportation suspension decision may be appealed to the Director of Student Services.

The supervisor of transportation will determine the suspension period on a case-by-case basis. Considerations such as the nature of the offense, attitude of the student, parental cooperation and the transportation discipline history of the student may be considered in determining a reasonable suspension period.

Any of the procedures may be waived at the discretion of the supervisor of transportation and the transportation privilege either suspended or withdrawn for a serious infraction even though it may be a first or second offense.

### **BOCES buses**

If a student is suspended from morning and afternoon buses, he/she will still be allowed to ride the BOCES bus. If a student is suspended from the BOCES bus, the nature of the incident will determine if he/she is also suspended from the morning and afternoon buses.

### **Sports buses**

If a student is suspended from regular morning and afternoon buses, he/she will still be allowed to ride sports buses.

### **Handicapped/special class**

These incidents will be reviewed on an

individual basis and bus monitors will work with the schools and parents involved when student suspension may be necessary.

### **Special buses**

Special buses include those used for field trips, athletic trips, BOCES or handicapped transportation. The following rules apply:

- Chaperones should discuss their seating arrangements with the driver.
- Chaperones should report promptly to the bus driver any damage done to the bus. Anyone causing damage will be expected to cover the full cost of repairs.
- Use or possession of alcohol or controlled substances is prohibited. Violators will be dealt with upon returning to school through district discipline procedures.
- Cheering and singing will be permitted as long as it is at a reasonable level and not vulgar or offensive in nature.
- Bus riding rules for morning and afternoon buses apply to special buses.
- The chaperone and bus personnel have a mutual responsibility to report any infractions to the supervisor of transportation.

### **Eating on the bus**

New York State regulations prohibit any eating on the bus while in motion (section 721.21 (e) Regulations of the commissioner of the Department of Transportation).

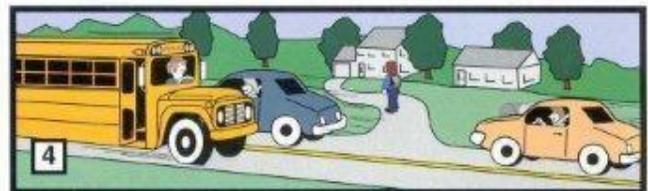
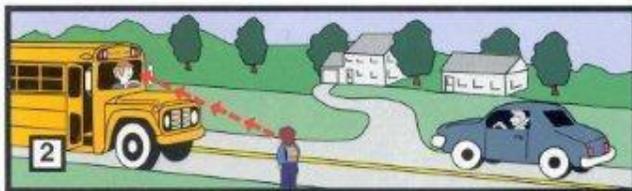
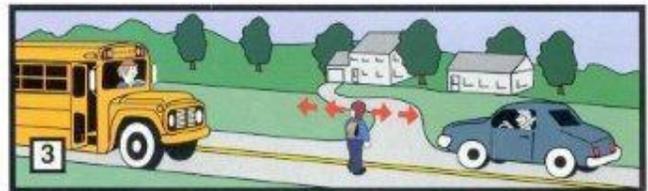
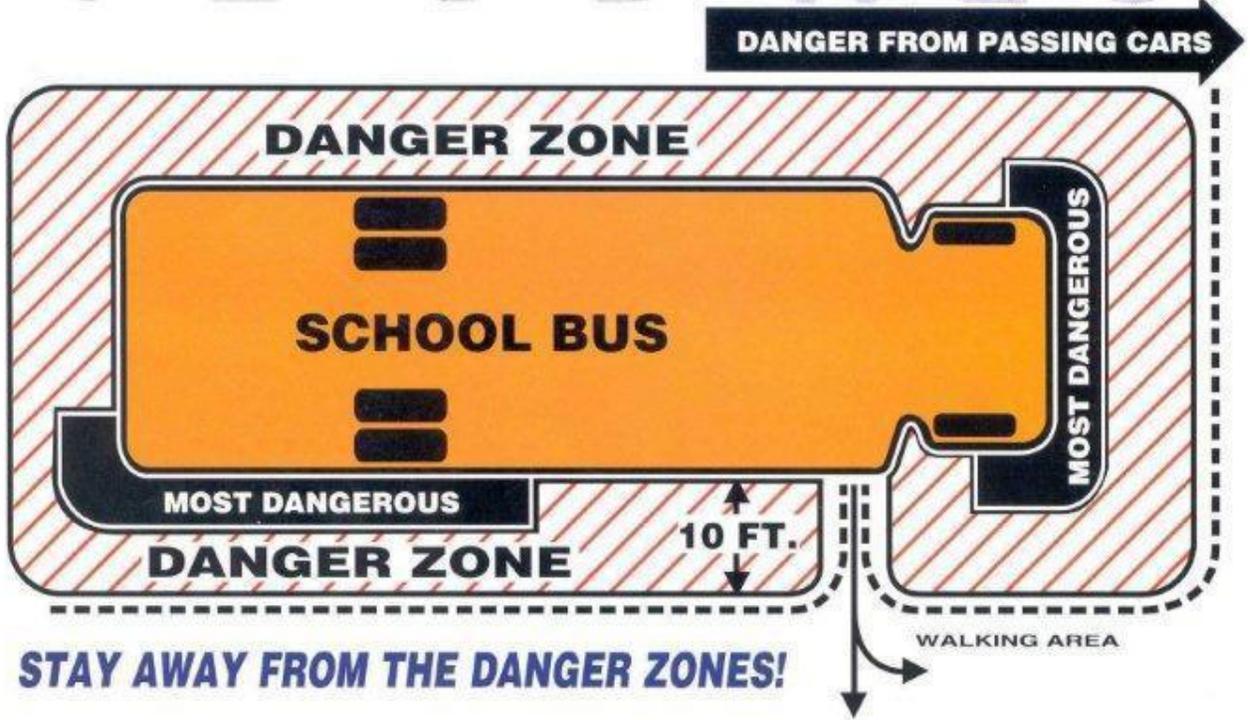
If a group wishes to stop to eat at a restaurant, prior approval must be obtained from the supervisor of transportation and, where applicable, from the athletic director.

If a group wants to pack a lunch to eat either at their destination or at a rest stop along the way, they may do so with the following provisions:

- Prior approval from the building principal and/or athletic director and the supervisor of transportation and/or designee is required.
- No glass containers will be allowed on the bus. Food and beverages must be in plastic or metal containers.
- If more than one bus is on the trip, they all will either stop or come directly home.
- If food and/or beverages are to be eaten on the bus (only when the bus is parked off the road), the transportation request should include a request for such permission and approved by the supervisor of transportation.

- Students are responsible for cleaning the bus of all food, beverages and containers.
- Chaperones are responsible for ensuring that students clean the bus.

# HOW TO CROSS THE ROAD SAFELY



## **Extra-Curricular Activities**

### **Chemical Use Rules**

The Elmira City School District recognizes that the use of tobacco, drugs and/or alcohol is a serious problem with legal, physical, emotional and social implications for the entire community. These impacts are particularly relevant for extra-curricular program participants because the physical and mental exertion required by such activity could magnify the detrimental effects of the substance abuse. To this end, the ECSDD holds students accountable for their actions and has instituted policies that apply beginning in seventh grade and continuing until the student finishes twelfth grade. **Violations continue to accrue throughout this time period and are not eliminated and renewed each year. Any penalty (i.e., probation) not fully served by a student during a sport(s) season will carry over to, and may affect eligibility for, a subsequent sport(s) season.** In order to participate in any extra-curricular activity, a student shall abide by the following rules:

#### **Rule 1**

##### A. Statement of the Rule

A student shall not engage or be involved in conduct on or off school property that constitutes the sale or attempted sale of a controlled substance or illegal drug or the sale or attempted sale of any substance represented as a controlled substance or illegal drug.

##### B. Penalty for Violation

Violators of Rule 1 shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for one calendar year from the date of the determination that Rule 1 was violated.

#### **Rule 2**

##### A. Statement of the Rule

A student shall not engage or be involved in conduct on or off school property that constitutes the use or possession of any of the following: alcohol; controlled substances; illegal drugs, including illegal steroids; prescription medicines, including steroids (if the student is not the person for whom the prescription was written); and drug paraphernalia.

##### B. Penalty for First Violation

1. Violators of Rule 2 shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for eight weeks from the date of the determination that Rule 2 was

violated. During probation, the student may continue to practice but may not participate in official events.

2. The penalty imposed on violators under this paragraph may be reduced pursuant to the following requirements.
  - a. The suspension period will be reduced by two (2) weeks if the student admits to the violation when first questioned by the coach, advisor, school administrator, athletic director, or school resource officer.
  - b. The student and parent/guardian must meet with a school-recognized drug and alcohol counselor (e.g., Teen Intervene by Trinity) prior to the end of probation and provide written verification of such meeting. Upon acceptance of such written verification by the superintendent or designee, the probationary period will be reduced by one week.
  - c. The student may earn an additional reduction in his/her probation. The student may reduce the probationary period by one week by participating in various drug and alcohol prevention activities (e.g., attendance at drug or youth court) or by either volunteering at Trinity or writing a research paper on a designated topic related to the student's offense. Any activities or projects undertaken by the student to earn a reduction of the probationary period must be discussed with and approved by the superintendent or designee before any reduction will be granted.
- C. Penalty for Second Violation
  1. Violators of Rule 2 for the second time shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for twenty weeks from the date of the determination that Rule 2 was violated. During probation, the student may continue to practice but may not participate in official events.
  2. The penalty imposed on violators under this paragraph may be reduced by up to three weeks pursuant to the following requirements.
    - a. The student may participate in various drug and alcohol prevention activities (e.g., attendance at drug or youth court; volunteering at Trinity or a similar agency; writing a research paper on a designated topic related to the offense).

- b. The activity must be discussed with and approved by the superintendent or designee before any reduction will be granted.
  3. Prior to any return to participation, the student shall provide verification of successful completion of an alcohol/drug evaluation. The parent/guardian and student shall also provide verification of completed or continuing, as appropriate, compliance with all recommendations made by the evaluator.
- D. Penalty for Third and Subsequent Violations
1. Violators of Rule 2 for the third time shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for one calendar year from the date of the determination that Rule 2 was violated. During probation, no participation will be permitted.

### **Rule 3**

- A. Statement of the Rule
- A student shall not engage or be involved in conduct on or off school property that constitutes the use or possession of tobacco products (which includes, but is not limited to, cigarettes, e-cigarettes, cigars, chewing tobacco and smokeless tobacco).
- B. Penalty for First Violation
1. Violators of Rule 3 shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for three weeks from the date of the determination that Rule 3 was violated. During probation, the student may continue to practice but may not participate in official events.
  2. Prior to any return to participation, the student shall provide verification of successful completion of a program with the Tobacco Education Group or a substitute approved in advance by the superintendent or designee.
- C. Penalty for Second and Subsequent Violations
1. Violators of Rule 2 for the second and subsequent times shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for ten weeks from the date of the determination that Rule 3 was violated. During probation, the student may continue to practice but may not participate in official events.
  2. Prior to any return to participation, the student shall provide verification of successful completion of a program with the Tobacco

Education Group or a substitute approved in advance by the superintendent or designee.

### **Rule 4**

- A. Statement of the Rule. A student shall not be in attendance at any gathering on or off school property where others are engaged in conduct that constitutes the use or possession of any of the following: alcohol; controlled substances; illegal drugs, including illegal steroids; prescription medicines, including steroids (if the student is not the person for whom the prescription was written); and drug paraphernalia.
- B. Penalty for First Violation
1. Violators of Rule 4 shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for two weeks from the date of the determination that Rule 4 was violated. During probation, the student may continue to practice but may not participate in official events.
- C. Penalty for Second Violation
1. Violators of Rule 4 for the second time shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for four weeks from the date of the determination that Rule 4 was violated. During probation, the student may continue to practice but may not participate in official events.
- D. Penalty for Third and Subsequent Violations
1. Violators of Rule 4 for third and subsequent times shall be deemed ineligible to participate (i.e., on probation) in extra-curricular activities for eight weeks from the date of the determination that Rule 4 was violated. During probation, the student may continue to practice but may not participate in official events.

### **Determinations and Appeals of Rule Violations**

- A. Investigations
- Alleged violators may be suspended from participation during the course of any investigation and determination.
- B. Initial Determination
- The initial determination that a rule has been violated will be made by the principal (for participants in non-athletic activities) or by the director of athletics (for participants in athletic activities).
- C. Appeals

## Elmira City School District

A student, if 18 or older or a parent/guardian may appeal the initial determination by delivering a request in writing to the office of the principal or athletic director within five days of the initial determination. A review will be conducted by a review committee constituted for this purpose.

The person who made the initial determination may not be a member of the review committee but may participate in the review process.

### D. Aggregate Violations

1. For purposes of imposing progressive penalties under any Rule, violations of any other Rule shall be deemed to be a prior violation of the Rule under consideration, if the earlier incidents occurred within eighteen months of the incident under consideration.
2. When a student is determined to have violated both Rules 2 and 4, the penalty imposed shall be solely the penalty provided under Rule 2 and the two violations shall be deemed to be one violation for purposes of progressive penalties.

## **Extracurricular Activities Eligibility**

Participation in all extra-curricular activities in the secondary schools will be based on the following standards:

1. Students are responsible for knowing their eligibility status.
2. Students must carry a full academic schedule as determined by the school District and/or NYSPHSAA.
3. Students must report to school on time, attend all classes, put forth a good effort in all classes, be respectful and follow school rules and policies. Failure to meet these expectations will result in probation and/or ineligible status for the student. (Athletes must be passing physical education.)
4. Students must demonstrate good attendance. Unexcused absences from school, any class or study hall will result in suspension or dismissal from the activity. Students must also demonstrate good behavior and abide by the rules set forth in the code of conduct.

First offense: One-day suspension from the activity.

Second offense: Five-day suspension from the activity.

Third offense: 21-day suspension from the activity.

- Fourth offense: Dismissal from the activity.
5. Students must be in attendance the full day (of the activity) to participate in scheduled extra-curricular activity unless a written legal excuse is submitted.
  6. Students under in-school or out-of-school suspension may not participate for the length of their disciplinary action. Any referrals for misconduct approved by an administrator will result in suspension or dismissal.
  7. Good community citizenship is expected of all students participating in extra-curricular school activities. Good community citizenship involves following a high standard of behavior and conduct while in or out of the school setting. Students are expected to follow all laws, school and governmental regulations.

**The following is a list of examples that may result in suspension or dismissal from participation** in school extra-curricular activities as determined by the building eligibility committee. This is not an all-inclusive list.

- Students reported for interfering with the individual and property rights of others which includes, but not limited to, vandalism, trespassing, sexual misconduct, hazing or harassment.
- Any student caught stealing or in possession of stolen items.
- Any student who vandalizes school property.
- Any student involved in conduct that constitutes criminal activity, both in-season and out-of-season.
- Any student committing an act that would be a serious violation of the district's code of conduct justifying suspension from school of 5 days or more.

Students suspended or dismissed from participation in extra-curricular activities due to poor citizenship are not eligible to participate until deemed eligible by the district eligibility committee, superintendent or board of education.

### **Procedures for Academic Eligibility**

Eligibility will be determined for athletes' overall average based on the first marking period grade (for winter sports), second marking period grade (for spring sports) and the final marking period average (June) for fall sports. If a student is dropped from a class because of lack of seat time, or dropped because of lack of attendance in school, the student will be deemed ineligible for

## **Elmira City School District**

the next season. (dropped in second semester of previous year, no fall sports; dropped in first semester, no winter or spring sports) unless that student is able to attend summer school, they must complete and pass the course in summer school to play the fall sport. Eligibility status is given to the athletic manager / advisor. It is the coach's / advisor's responsibility to know the eligibility status of their students.

There will be two academic eligibility status categories:

### **1. Eligible**

- a. Full participation – Overall average 65% or above and all athletes must be passing physical education.

### **2. Probationary/Ineligible**

- a. Probationary – If students' overall average is not 65% or above, they will be deemed academically on probation. In order to participate in practices and games during the probation period, the athlete must attend and participate in study hall regularly for a three (3) week period. If a student is deemed on probation for the fall season, based on the overall average after the fourth marking period, they must attend summer school, in order to be deemed eligible to play in games for the fall season. If a student is eligible for summer school and does NOT attend summer school, then the three week probationary period for the fall season will begin on the first day of the athletic study session. That student will not be eligible for games until the athletic study hall begins and that student attends and participate in that athletic student hall. The 3 week probationary period for the winter and spring seasons will begin on the first day of the season. Eligibility status for students will be determined by the Athletic Director and/or building principal. At the end of the three-week period, students' grades, attendance, attitude/behavior record, citizenship and overall average will be reviewed. If all is satisfactory, full participation will be restored. If all is not satisfactory, the student will remain in the athletic study hall for the remainder of the season.

- b. Ineligible –

- i. If a student does not meet all the probationary criteria needed for the student to be deemed eligible, then the student is ineligible for practices and games for the remainder of the season.
- ii. A student who is removed or suspended from school cannot participate in the extra-curricular activities for that period of suspension or removal.
- iii. Students who are deemed ineligible, may appeal their eligibility status. Students who wish to appeal, must be in good standing, attend class regularly and complete class assignments throughout the marking period.
- iv. A student will contact the building principal to appeal within five days of being deemed ineligible. The building principal will review the appeal application and make an initial determination in writing within five school days. If it is determined that the student is academically ineligible, the student may appeal in writing to the building eligibility committee.

We have read and understand the above rules and regulations.

\_\_\_\_\_  
*Parent/Guardian Name (please print)*

\_\_\_\_\_  
*Parent/Guardian Signature*

\_\_\_\_\_  
*Student Name (please print)*

\_\_\_\_\_  
*Student Signature*

\_\_\_\_\_  
*Date*

This contract will take effect as of the first day of student participation in the above referenced extracurricular activity and will remain in effect until the last day of student participation in said extracurricular activity during the school year in which the contract is signed. Each student signing this contract is required to comply with its terms at all times while the contract is in effect. If a penalty assessed for a violation of this contract is not fully served prior to the last day of student participation in the extracurricular activity for which this contract is signed, the remaining portion of the penalty will carry over to the next extracurricular activity in which the student participates.

## Dissemination and Review

The board will work to ensure that the community is aware of this code of conduct by:

- Providing copies of a summary of the code to all parents, students, non-teaching staff and other community members at the beginning of each school year.
- Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
- Providing all current staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
- Providing all new employees with a copy of the current code of conduct upon hire.

The board will provide in-service training for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff regarding in-service programs pertaining to the management and discipline of students. Such in-service training shall include, but not be limited to, instruction on promoting a safe and supportive school environment while discouraging discrimination and harassment against students by students and/or school employees.

The board of education will review this code of conduct every year and update it as necessary.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the commissioner no later than 30 days after adoption.



The Elmira City School District hereby advises students, parents, employees and the general public that it offers employment and education opportunities without regard to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics or marital status.

Inquiries concerning this policy shall be addressed to:

Jake Sheehan, Derek Almy, and Hillary Austin, Civil Rights Compliance Officers and Jay Hillman, Section 504 Compliance Officer at:  
951 Hoffman St., Elmira, NY 14905  
(607) 735-3000

**Elmira City School District**

951 Hoffman Street  
Elmira, NY 14905

**Superintendent**

Hillary Austin

[www.elmiracityschools.com](http://www.elmiracityschools.com)