

Horseheads Central School District Code of Conduct

The following is a shortened version of the district's Code of Conduct, as required by New York State SAVE legislation of 2000. For a copy of the complete code, visit the district's web site at www.horseheadsdistrict.com or call 739-5601, x4201.

Introduction

The Horseheads Central 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 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.

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors, when on school property or attending any school function (whether on or off campus), including, but not limited to athletic events, extra-curricular activities, academic programs and programs that highlight the arts. Additionally, students who participate in athletics or extra- or co-curricular activities are expected to adhere to all aspects of this policy at all times and may be disciplined (including a suspension from their athletic team or extra- or co-curricular activity) for conduct which violates this Code, even if the conduct occurs at a non-school event. Students engaged in athletics are also expected to adhere to the Extracurricular Code of Conduct, which is attached as an appendix to the Code of Conduct.

Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, weight, creed, national origin, religion, gender (including gender identity and gender expression) or sexual orientation, disability, or any other protected class under state and federal law.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

Student Responsibilities (Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship)

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React in a respectful, positive manner to direction given by teachers, administrators and other school personnel.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions (e.g., in accordance with the Code of Conduct or any other applicable instructions for school events).
10. Accept responsibility for their actions.

11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Use District property, including district technology, according to established guidelines and rules.

Student Dress Code

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

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief or revealing garments that may be offensive to others and disruptive to education are not appropriate. For example, stomach, lower back, pelvis and buttocks, and chest must be completely covered and shirts must not be strapless. The following is a non-exhaustive list of clothing that are not allowable: tube tops, bralettes, crop tops, shirts that are open or cut on the sides, clothing items that are see-through, and pants that do not fit around the waist and need to be held up with a hand.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that poses a safety hazard in the instructional setting will not be allowed.
5. Comply with the rule that hats, hoods, bandanas, visors, or other head coverings which obscure a student's identity, may not be worn inside school buildings during regular school instructional hours, except for a religious or approved medical purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Student-athletes shall wear attire appropriate to their athletic activity for practice and competition outside of the instructional day. The athletics program shall enforce appropriate expectations.

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.

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

Prohibited Student Conduct

A student shall be subject to disciplinary action in relation to the following:

- A. Engage in conduct that is disorderly, insubordinate or disruptive. Examples of such conduct include, but are not limited to:
 1. Disrespecting staff.
 2. Failure to comply with the directions of a teacher, administrator or other school employee.
 3. Violation of the district's dress code.
 4. Lateness for, missing or leaving school or class without permission from or an excuse given by a faculty member, staff member, or other authorized person.
 5. Any willful act which disrupts the normal operation of the school community.
 6. Disrupting the educational process.

7. Interfering with the teacher's authority over the classroom.
8. Issuing disruptive or harassing electronic communications ("cyberbullying"), even if the communication did not originate from the District or through District servers.
9. Engaging in any act of discrimination, sexual harassment, bullying, and/or harassment as defined in this Code.
10. Retaliating against any individual who, in good faith, reports or assists in the investigation of, among other things, sexual harassment, harassment, bullying and/or discrimination.
11. Use of an internet-enabled device in violation of Policy 5315.

B. Engage in conduct that endangers the safety, morals and health and welfare of others.

1. Stealing, lying, cheating, plagiarism, other acts of dishonesty, or unauthorized use of artificial intelligence (AI) or similar technology.
2. Written, verbal, or physical intimidation.
3. Fighting or causing physical harm to another.
4. Using in either words, clothing, signs, or actions profane, lewd, vulgar, abusive language, words, messages, or behavior (electronic or otherwise) which may incite or offend another person.
5. Vandalizes school property or the property of a student or staff member.
6. Violates the civil rights of another student.
7. Engaging in acts of harassment as defined in the Code of Conduct and/or in the district's Sexual Harassment Policy and Regulation, its Racial Harassment of Students Policy and Regulation, or its Dignity for all Students Act Policy and Regulation.
8. Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or being in possession of an alcoholic beverage on school property or at a school function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer, any type of "powdered alcohol," and cider having alcoholic content. When a student creates a look-alike situation by presenting a substance as an alcoholic beverage, the District's reaction will be the same as if an actual alcoholic beverage was present.
9. Being under the influence of, or the use, possession, sale, distribution, or gift of any illegal or controlled substance or any instruments for the use of such illegal or controlled substances such as, but not limited to, a pipe, syringe, vaping devices, vaping cartridges, or other paraphernalia, while on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, e-liquids, including propylene glycol (liquid nicotine), synthetic cannabinoids (e.g., K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, marijuana, over-the-counter drugs or prescription medication on school property when not in compliance with the medication policy, look-alike or "counterfeit" drugs, and any substances commonly referred to as "designer drugs." When a student creates a look-alike situation by presenting a substance as an illegal or controlled substance, the District's reaction will be the same as if the actual substance was present. Excepted is any drug taken in accordance with a current prescription signed by a physician which is to be taken by the particular student at the time in question. All medication must be administered through the school health office.
10. Possession or use of or threatening to use, or displaying what appears to be, a weapon as defined in Section II of the full Code of Conduct on school property or at a school function.
11. Falsely reporting an emergency or tampering with safety or security equipment.
12. Selling, using or possessing obscene material.
13. Use or possession of tobacco products or cannabinoids (marijuana) on school property or at a school function. Tobacco products shall include, but not be limited to, vapor pens (and any material used in vapor pens or similar devices), electronic cigarettes or any nicotine dispensing product, chewing tobacco, snuff, cigarettes, cigars, or loose tobacco.
14. Acting as a violent student as defined in Section II of the full Code of Conduct.
15. Engaging in any act of discrimination or harassment as defined in the Code.
16. Retaliating against any individual who, in good faith, reports or assists in the investigation of, among other things, harassment, bullying and/or discrimination.
17. Indecent exposure, including exposure to the private parts of the body in a lewd or indecent manner.

Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee, a school resource officer, or the superintendent.

Any student, parent or other family member, or visitor may report an incident of discrimination, bullying and/or harassment. Reports may be made to any staff member, including Dignity Act Coordinators, administrators, teachers, and school counselors. In the event that a report is made to a staff member other than a Dignity Act Coordinator, such staff member shall immediately inform a Dignity Act Coordinator of the report. All District employees who have contact with students are required to report incidents of discrimination, bullying and/or harassment when the individual witnesses or receives reliable information regarding any such incident. Allegations of discrimination, bullying and/or harassment will be treated as confidential and private to the extent possible.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner after a prompt and thorough investigation. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction 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.

The building principal or his or her designee must notify the appropriate school resource officer or local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school, including but not limited to incidents of harassment, bullying and/or discrimination which may constitute a crime, as soon as practical after the building principal determines that the violation occurred. The notification may be made by telephone, followed by a written notification on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

Disciplinary Penalties, Procedure and Referrals

As a general rule, discipline is progressive in nature. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, the administration reserves the right to escalate the penalty based on the severity of the conduct at its discretion.

Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination: verbal warning, written warning, written notification to parent, detention, suspension from transportation, suspension from athletic participation, suspension from social or extracurricular activities, suspension of other privileges, including district technology or web servers, in-school suspension, removal from classroom by teacher, short-term (five days or less) suspension from school, long-term (more than five days) suspension from school, permanent suspension from school.

Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being 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 are to be given penalties other than a verbal warning, written warning, written notification to their parents or detention occurring during the school day at a non-instructional time are entitled to additional rights before the penalty is imposed. These additional rights are explained in the complete Code of Conduct.

Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required to applicable laws and regulations.

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

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. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, and district security officials to conduct searches of students and their belongings (including consumables, a student’s cell phone or a student’s car that is on school property) 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.

An authorized school official may conduct a search of a student’s belongings (including consumables) that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student’s belongings (including consumables, a student’s cell phone or a student’s car that is on school property or at a school function) based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

Whenever possible, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Student Lockers, Desks and other School Storage Places and Consumables

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places, or email or computer accounts, including storage devices (i.e. CDs, disks, flash drives, etc.). Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Additionally, students should be aware that any consumable items (food or beverages) are subject to search and inspection by the Administration.

Police Involvement in Searches and Interrogations of Students

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

a search or an arrest warrant; or probable cause to believe a crime has been or is being committed on school property or at a school function; or been invited by school officials.

The principal or designee will be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

Visitors to the Schools

Since schools are a place of work and learning, certain limits must be set for visits by parents and other persons or agencies. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the district has adopted a visitor policy in Policy 1240 Visitors to the Schools. See that policy for specific rules as to school visits.

Public Conduct on School Property

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

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any other person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. 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.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation, disability, or any other protected class under state and federal law.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances including, but not limited to, TCH, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers (on active duty) or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Commit any willful act which disrupts the normal operation of the school community.

Penalties

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

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

Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

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

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

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