

CODE OF CONDUCT

I. PURPOSE

This Code of Conduct (the "Code") is adopted by the Board of Education (the "Board") of the Liverpool Central School District (the "District") pursuant to and in compliance with the requirements of Project SAVE and § 100.2(l) of the Regulations of the Commissioner of Education.

A primary goal of the Board is to provide a safe and orderly environment for the delivery of quality educational services to its students. In order to achieve this goal, it is essential that all members of the school community behave in a manner that is consistent with accepted principles of civility, citizenship, tolerance, personal responsibility, respect for others, courtesy, honesty and integrity.

School officials have broad discretionary authority to maintain safety, order, and discipline over all student conduct and interaction in order to preserve a disruption-free educational atmosphere. This Code of Conduct serves as a basis for this authority.

This Code defines the Board's expectations for conduct on District Property and at District Functions based on these accepted principles. It also identifies the range of penalties for unacceptable conduct. Unless otherwise indicated, this Code applies to conduct of students, employees, student's parents and other visitors committed on District Property, at a District Function, or that otherwise affects the District's educational program.

II. BILL OF STUDENT'S RIGHTS AND RESPONSIBILITIES

A. Student Rights

All students have the right to:

1. The guidance of understanding teachers, counselors, and other District staff.
2. An education that offers students the opportunity for inquiry and development of their potential.
3. Constructive discipline for the development of good character, conduct and habits.
4. Security while on District Property and at District Functions.
5. An educational climate where the well-being of students is of primary concern.
6. An educational staff that provides a positive role model for student development.
7. Guidance in choosing a career or college.
8. The opportunity to develop and express opinions, beliefs and values, provided such expression is not disruptive, slanderous or insubordinate.
9. Health and psychological services to assist in physical, mental and social development.
10. Appropriate education and/or remediation to serve special needs.
11. Consideration as an individual within the educational environment.
12. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education.

B. Student Responsibilities

All students are accountable for their own behavior on District Property and at District Functions and have the responsibility to:

1. Be safe, and not disrupt or interfere with the educational process. Comply with the provisions of this Code while on District Property and at District Functions.
2. Comply with all requirements of the District's comprehensive student attendance policy (Policy 7110).
3. Be honest with themselves and others.
4. Show respect for themselves and others.
5. Set a positive example for others.
6. Perform all assignments to the best of their ability.
7. Obey all school rules and regulations.
8. Respect public, private and school property.
9. Attend school regularly and punctually.
10. Develop appropriate behavior standards and have the courage to live by them.
11. Treat students, staff and visitors respectfully, and comply with reasonable requests of teachers and administrators.
12. Take advantage of educational opportunities available at school.
13. Learn and practice civic responsibility.

III. CODE OF CONDUCT

Students, employees and visitors who violate this Code will be subject to disciplinary action as the facts may warrant, including any of the penalties listed below. Constructive discipline is an educational service to which all students are entitled. The penalties described in this section are the range of penalties that may be imposed upon any student who is determined to have committed any act of misconduct specified in Section V of this Code.

A. Progressive Discipline

Depending upon the nature of the violation, it is the Board's desire that discipline of students be progressive (that is, a student's first violation should merit a lighter penalty than subsequent violations). The individual determining the penalty should take into account all other relevant factors in arriving at an appropriate penalty. Depending upon the nature of the violation, the possible penalties listed in Section VI (4) below may be imposed either alone or in combination.

B. Actions Preceding Penalties

District authorities may use a range of possible responses to misconduct committed by a student. A primary response will be to discuss the student's conduct with the parents in an attempt to correct such inappropriate behaviors. In addition, the District may attempt any or all of the following corrective actions:

1. Level I

- (a) Warning/Verbal Reprimand: Either a verbal or written warning may be given in the appropriate case.
- (b) Time out of Classroom
- (c) Loss of Privilege/including driving and parking privilege

- (d) Parent Communication and/or Conference: The student's parent or guardian will be contacted. A conference will include the student, his/her parent or guardian, school personnel and others whose participation is deemed appropriate by the District.
- (e) Supervised Study Hall/Lunch Detention
- (f) Counseling: Students may be referred for District provided counseling services in appropriate cases.
- (g) Mediation: The student and District authorities may agree that the student will participate in a voluntary District-sponsored mediation program intended to resolve disputes with the assistance of a third party.
- (h) Student Behavior Contract: The student and District authorities may enter into a behavior contract whereby the student will have no other penalty imposed for the misconduct, provided that the student complies and parent signs agreement with the specific terms of the contract. The contract may further provide that, if the terms of the contract are violated, the student may be disciplined for the original act of misconduct.
- (i) Detention: Teachers and Building Administrators may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.
- (j) Restitution *

2. Level II

- (a) Suspension from School*: The principal may suspend a student from attendance at school for a period not to exceed five (5) school days. The parent or custodian will be notified of such suspension by telephone and/or letter.
- (b) Suspension from Other Activities*: Students may also be suspended from transportation, athletic participation, social or extracurricular activities or other privileges upon compliance with fundamental due process procedures. See section VII, Athletic/Extracurricular Activities.
- (c) Superintendent's Hearing**: A disciplinary hearing may be scheduled before the Superintendent of Schools, or his designee, pursuant to the applicable provisions of the Education Law. At the conclusion of such hearing, the Superintendent may take whatever action is deemed appropriate, including but not limited to, indefinite suspension from school.
- (d) Personal Liability**: The District may pursue, on behalf of itself or an employee, all available rights and remedies to recover from the student and/or parents of the student for damages to personal property.
- (e) Police Notification*: In cases involving potential criminal conduct, District authorities may refer the matter to appropriate law enforcement authorities.

3. Level III

- (a) Expulsion **

* Imposed by Administration or Superintendent

** Imposed by Superintendent only

C. Acts of Misconduct Defined and Range of Consequences

The Board expects the members of the school community to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of students, employees and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and all members of the school community must 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 student's ability to grow in self-discipline. Constructive discipline is an educational service to which all children are entitled.

The commission of any of the following acts on or affecting District Property or at a District Function is prohibited, and constitutes a violation of this Code:

Conduct	Definition	Range of Consequences
Arson/Fire	Attempting to, aiding in, or deliberately starting a fire with intent to damage or destroy property by using matches, lighters, or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but are not limited to, paper, linens, clothing, and aerosol cans. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.	II-III
Assault Offenses	Intentionally or recklessly causing impairment of physical condition or substantial pain. Assault with Physical Injury: Intentionally or recklessly causing physical injury (not serious) to another person. Physical Injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, and cuts not requiring stitches, and swelling. Substantial pain includes, but is not limited to, severe headaches, joint or muscle pain.	II-III
Burglary	Entering or remaining unlawfully on District Property with the intent to commit a crime thereon.	II-III
Cheating/ Academic Dishonesty	The act of giving or receiving (or conspiring to give or receive) answers to a class assignment or test. Cheating includes copying computer material, plagiarizing, altering records, or assisting another in such actions.	I-III
Computer/ Electronic Device Misconduct	The use of a computer, computer network, or any electronic device in a manner that violates the District's use and access policies, rules or regulations, or the abuse of District equipment. The unauthorized use of an electronic device; including but not limited to unauthorized use in the classroom or school bus and/or failure to discontinue use when directed to do so by District staff/personnel. The unauthorized use of an electronic device during an examination; shall be considered presumptive of evidence of cheating and may result in the student being dismissed from the exam.	I-III
Criminal Mischief	Intentional or reckless damaging of the property of the District or of another person, including but not limited to, vandalism and defacing of property with graffiti.	I-III
Cyber bullying	The use of information technology, including, but not limited to, e-mail, instant message, chat rooms, blogs, pagers, cell phones, tablets, and gaming systems, websites to threaten, stalk, ostracize, denigrate, flame, happy slap, impersonate or seek to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury, or engaging in verbal or physical conduct that threatens another with harm, including, but not limited to, intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process, but where no physical contact occurs.	I-III
Cyber Violations	Inappropriate and/or unauthorized use of technology (i.e., personal electronic devices such as MP3 players or cell phones, computers, tablets, cameras, video and/or audiotaping equipment; software, blogs, chat rooms, instant message, etc.) and/or Internet to engage in behaviors including, but not limited to, bullying, intimidating,	I-III

	threatening, harassing, maligning, and/or defaming others, accessing websites for non-academic purposes (i.e. unauthorized social networking, media downloads, etc.) as well as use of unauthorized proxies or “tunneling”. Cyber violations also include violations of the Acceptable Use Policy and/or Electronic Device Policy including, but not limited to ending, and/or forwarding sexually explicit photos, videos, pictures, or auditory recordings, and other communications of a sexual nature.	
Destruction/ Damage of Property	The destruction, damaging, defacing or other impairment of District Property or property belonging to other persons that does not rise to the level of Criminal Mischief.	I-III
Disorderly Conduct	Conduct that (a) obstructs or disrupts a teaching, research, administrative or disciplinary procedure or other District activity, or of any authorized District activity; or (b) is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. Disorderly Conduct includes, but is not limited to, running in hallways; making unreasonable noise; using language or gestures that are profane, lewd, vulgar or abusive; the willful interference with the free flow of vehicular or pedestrian traffic; failing to comply with the lawful directions of teachers, school administrators or other District employees; speech or gesture which, by virtue of its content and/or circumstances, is likely to disrupt the conduct or classes of other District activities or to undermine the maintenance of discipline within the school setting; being late for school or class; being unprepared for class; and committing other conduct that detracts from the delivery of the District’s educational program or disrupts the normal operation of the school community.	I-III
Drug or Alcohol Violation	Using or possessing an Illegal Drug or Illegal Substance, as defined herein or in the Alcohol, Tobacco Products, Drugs and Other Substances (Students) (7320), including having such substance on a person or in a locker or vehicle or other personal space; or selling or distributing such substance on District Property; provided that nothing herein shall be interpreted to apply to the lawful possession or administration of a prescription drug on District Property. Unauthorized use or possession of over-the-counter medications cannot be possessed or distributed.	II-III
E-Cigarettes and/or Vaping Equipment	Possession of such devices (including but not limited to e-cigarettes, vape pens, dab pens, Juuls, e-hookahs, etc.) as well as peripheral or auxiliary equipment, parts, canisters or attachments for such devices while on school property or under the jurisdiction of the school district will be treated the same as possession of drug paraphernalia.	II-III
Extortion	Any intentional action which reasonably instills fear in another individual that the actor or another person will cause injury to the person or property of that individual or another person for the purpose of obtaining money or property from that individual.	II-III
False Alarm	Falsely activating and/or tampering with a fire alarm, other disaster alarm or safety equipment either by falsely reporting or tampering with or setting off.	I - III
False Bomb Threat	Conveying a Bomb Threat with the knowledge that it is false under circumstances that make it likely that such false threat will come to the attention of District officials; provided, however, that it shall not be a violation of this section for a student, staff member or visitor to inform District officials of a bomb threat.	III
Fraternization	The Board of Education requires that all School District employees maintain a professional and ethical relationship with District students that is conducive to an effective, safe learning environment, and the	II-III

	staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety. The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or other individuals who participate in the investigation of allegations of inappropriate staff-student relations.	
Gambling	The risking of something of value upon the outcome of a contest of chance or a future contingent event upon an agreement or understanding that one will receive something of value in the event of a certain outcome.	I-III
Hazing	Negative or reckless act required for the purpose of initiating, affiliating with, or maintaining membership in any activity, organization, club, or team.	I-III
Insubordination – Attendance	The refusal or failure to comply with any District rule related to lateness to, missing, or leaving school without permission.	I-III
Insubordination	The refusal or failure to comply with any District rule, regulation or policy, or the failure to comply with a reasonable request from District personnel or representatives authorized to make such a request. Insubordination, as it relates to students, includes, but is not limited to, the failure to comply with the lawful directives of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect toward such individual; skipping detention, failure to answer school disciplinary questions and/or failure to comply with school disciplinary search requests. Insubordination, as it relates to non-students includes, but is not limited to, the violation of regulations governing the use of District Property, and the failure to comply with the lawful directions of District employees or law enforcement officers acting in performance of their duties.	I-III
Intimidation, Harassment, Menacing, Bullying	The creation of a hostile environment by conduct or by threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotion, or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity) or sex. For the purposes of this definition the terms "threats, intimidation, or abuse" shall include verbal and nonverbal actions (Education Law, 11(7).)	I-III
Kidnapping	To abduct a person, as defined in Section 135.00 of the Penal Law, <i>i.e.</i> , to restrain a person with intent to prevent his liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found; or (b) using or threatening to use deadly physical force, with or without a weapon.	II-III
Littering	The general distribution or dissemination of printed, written, recorded or other materials without the prior approval of the building principal. The granting of approval or the refusal to grant the same shall be determined pursuant to administrative guidelines for the distribution and dissemination of materials on District Property.	I-II

Loitering	Remaining in an area after the bell when assigned to a particular classroom at that time. Loitering also includes congregating in the halls to impede traffic, or standing next to the building.	I-II
Minor Altercation	Altercations that involve physical contact and no physical injury. This includes, but is not limited to striking, shoving, or kicking another person, or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person. This also includes fights that do not result in physical injury.	I-II
Other Misconduct	The act of soliciting, commanding, aiding or otherwise abetting any person to commit any act or conduct that is proscribed by this Code, and the commission or omission of any act which is in violation of any Federal or State law or any District rule or regulation, including the District's School Safety Plans.	I-III
Possession of Stolen Property	When a person knowingly possesses stolen property with the intent to benefit himself or another person or prevents the owner's recovery of their property	I-III
Possession of Disruptive Items	Unauthorized possession of sound box, laser pointer, squirt guns, water balloon, personal audio device, or other disruptive items.	I-II
Reckless Endangerment	Subjecting individuals to danger by recklessly engaging in conduct that creates a substantial risk of physical injury, but where no actual physical injury occurs.	I-III
Repeated Disorderly	Misconduct that results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester.	I-III
Riot	When four or more persons simultaneously engage in tumultuous and violent conduct and thereby intentionally or recklessly cause or create a grave risk of physical injury or substantial property damage or cause public alarm.	II-III
Robbery	Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.	II-III
Sexual Harassment	The act of threatening bodily harm or by repeatedly tormenting another person based on gender. Sexual harassment may take the form of comments, jokes, name calling, innuendoes, offensive conversations, perpetuating unwelcome touching of another's clothes, pinching, whistling, or other noises, blocking a victim's path, assault, or any other behavior that is intended to or has the reasonable effect of being offensive based on a person's gender.	I-III
Sexual Offenses:	Other Sexual Offense: Involving inappropriate sexual contact but no forcible compulsion.	II-III
Theft	Unlawful taking of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.	II-III

Threat(s)of Violence	Expression, conveyed by word or action, of intent to abuse, intimidate, coerce, injure staff member, student, or other person, or harm, including but not limited to a school building, grounds, or bus stop.	I-III
Tobacco Violation	The act of possessing, smoking, or chewing tobacco, tobacco products including e-cigarettes anywhere on school grounds. The use of tobacco is not allowed anywhere on District Property.	I-II
Traffic Violation	The operation of a motor vehicle on District Property at a speed in excess of fifteen (15) miles per hour, or the operation of snowmobiles, motorbikes, go-karts, motor scooters, and other similar vehicles propelled by gasoline, diesel oil, fossil fuel or electric powered engine on District Property. The only motor vehicles allowed to be operated on District Property are those automobiles, buses and trucks that are (a) licensed by the Department of Motor	I-III

	Vehicles, (b) insured in compliance with the mandatory provisions of the Vehicle & Traffic Law, and (c) lawfully operated on the District's driveways, parking fields or other portions, of District Property for the purpose of attending District activities or conducting business or performing services for the District. (In addition to suspension, restitution in the form of money or work will be expected.) To include passing of any school bus with flashing red lights on.	
Trespassing on School/District Property	A suspended student or an individual who is not on school grounds for a legitimate reason or a person who does not have written permission from a school administrator and knowingly or unknowingly enters and/or remains unlawfully upon school property.	I-III
Truancy	Unlawful absence without parental knowledge and/or permission.	I-II
Unauthorized Skateboards, Scooter/ Rollerblades	Unauthorized use or possession of a skateboard, scooter, or rollerblades on school property.	I-II
Vandalism	The willful destruction of the real or personal property of the District or another person.	I-III
Weapons Possession/Use	<p>Possession and/or use of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possession of a weapon at school. Weapons include, but not limited to:</p> <ul style="list-style-type: none"> • A firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paintball gun; • a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; • a billy club, blackjack, bludgeon, chukka stick, or metal knuckles; • a sandbag or sand club; • a slingshot or slungshot; • a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nunchuck or shirken; • an explosive, including, but not limited to, a firecracker or other fireworks; • a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; • an imitation gun; • loaded or blank cartridges or other ammunition; or • any other deadly, dangerous, or look-alike weapon or instrument. 	II-III

The commission of any of the foregoing acts of misconduct is punishable by the penalties set forth in Section VI of this Code after compliance with the procedures set forth in Section VII hereof.

The New York State Department of Education (NYSED) enacted School Safety and Educational Climate (SSEC) in 2017, which is part of the Dignity for All Students Act (DASA) and Violent or Disruptive Incident Reporting (VADIR). All public schools, educational services, charter schools, and county vocational education and extension boards are required by NYSED to document incidents occurring on school property, including incidents occurring in, or on, a school bus (as defined in Vehicle and Traffic Law 142), and at school functions. The nine SSEC categories, definitions, and range of consequences for student behavior are explained below.

School Safety and Educational Climate (SSEC)	Definition	Range of Consequences
SSEC 1 Homicide	Homicide: Any intentional violent conduct that results in the death of another person.	III
SSEC 2 Sexual Offense	Sexual Offense: An act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law , taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.	III
SSEC 3 Assault	Assault: An act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law , taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.	III
SSEC 4 Weapons Possession	Weapons Possession: Shall mean any weapon defined in Article 265 of the Penal Law . An act committed by a person 10 years of age or older which would constitute a felony under Article 265 of the Penal Law; taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.	III
SSEC 5a Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)	A single verified incident or a series of related verified incidents where a student is subjected to (verbal and non-verbal) harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner's regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct, threats, intimidation, or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act	

	<p>creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and nonverbal actions.</p> <ul style="list-style-type: none"> • Bullying is defined as a form of unwanted, aggressive behavior that involves, but not limited to, a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.⁴ Please note the following “elements of bullying” do not solely determine whether an incident is material. • Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person. • Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once. • Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental. • Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex. 	
SSEC 5b Cyberbullying	Cyberbullying is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii))	III
SSEC 6 Bomb Threat	A telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.	III
SSEC 7 False Alarm	False Alarm: causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.	III
SSEC 8 Threat (Other than bomb threat or false alarm)	Threat (other than bomb threat or false alarm): A verbal , telephoned, written or electronic message of a threat of violence on school property or at a school related function.	III
SSEC 9 Use, Possession, or Sale of Drugs	Use, Possession, or Sale of Drugs: illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property	III
SSEC 10	Use, Possession, or Sale of Alcohol: illegally using, possessing, or being under the influence of alcohol on school property or at a school	III

Use, Possession, or Sale of Alcohol	function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.	
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IV. DEFINITIONS OF KEY WORDS AND TERMS

For purposes of this Code, the following words and phrases shall have the meanings set forth below:

A. Definitions

1. Civil Right: A right, benefit or protection that is guaranteed to an individual by either the federal or New York State Constitution or statute.
2. Controlled Substance: A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations that apply to this Code.
3. Detention: Teachers and Building Administrators may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be in appropriate.
4. Disabled Student: A student who has been classified as suffering from a disability pursuant to the provisions of IDEA and Article 89 of the Education Law, or one who the District is deemed to know has a disability within the meaning of 34 CFR §8.
5. District Function: Any school-sponsored extracurricular event or other activity.
6. District Property: Any place in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of one of the District's elementary, middle or high school buildings, or other District owned or controlled property, or in or on a school bus as defined in Vehicle and Traffic Law §142.5, or at a school sponsored function.
7. Explosive: An explosive device of a nature or in a quantity that is sufficient to cause injury to the person of the holder thereof or to the person or property of others, including the District.
8. Illegal Drugs: A controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional, or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State law.
9. Illegal Substances: Alcohol, illegal drugs and inhalants, including, but not limited to, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
10. Imitation Gun: Any replica, toy or imitation gun which substantially duplicates or can reasonably be perceived to be an actual gun, including, but not limited to, toy guns that have been altered to look like actual guns, whether it is capable or not of discharging any shot, bullet or other projectile.
11. Interim Alternative Educational Setting ("IAES"): A temporary educational placement determined by the committee on special education, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP, and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not reoccur.
12. In-School Suspension: The temporary removal of a student from his or her regular program and the placement of that student in another designated area of the school building where the student will receive substantially equivalent, alternative education.
13. Parent: The biological, adoptive or foster parent, guardian or person in parental relation to a

student.

14. Removal as it Relates to a Disabled Student: The removal for disciplinary reasons from the student's current educational placement, other than a suspension and 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/herself or others.
15. Removal as it Relates to a Non-disabled Student: The removal of a student who is disruptive in class from the classroom to ensure that the other students continue to learn. If a classroom teacher determines that the student is disruptive, the teacher may remove that student from class for no more than two (2) consecutive classes, or for no more than 120 minutes (2 hours), whichever is shorter. The removal from class applies to the class of the removing teacher only. For purposes of this Code, when removing a student from consecutive classes, the removal commences on the second consecutive day that a student is asked to leave a teacher's classroom (the first day being considered the discretionary use of a classroom management technique by the teacher).
16. Suspension: The disciplinary removal of a student from his or her regular educational program and activities in accordance with Education Law §3214.
17. Violent or Disruptive Student: A student under the age of 21 who (a) commits an act of violence upon a school employee; or (b) commits, while on District Property or at a District Function, an act of violence upon another student or any other person lawfully on District Property or at the District Function; or (c) possesses a Weapon while on District Property or at a District Function; or (d) displays, while on District Property or at a School Function, what appears to be a Weapon; or (e) threatens, while on District Property or at a District Function, to use a Weapon; or (f) knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on District Property or at a District Function; or (g) knowingly and intentionally damages or destroys District Property.
18. Visitor: Anyone on District Property or at a District Function who is not a District employee or a student of the school building in which the individual is physically present.

B. Student Searches and Questioning of Students

The Board of Education is committed to ensuring an atmosphere on school property and at schools 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 of 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(s) before questioning a student. However school officials will tell all students why they are being questioned.

In recognition of certain societal problems which may present themselves in our schools, the Board of Education authorized the superintendent of schools, the superintendent's designee, building principals and his/her designee to conduct searches of students and their possessions for an illegal matter or a matter which otherwise constitutes a threat to health, safety, welfare or morals of the students that attend our schools.

C. Student Dress Code

All students are expected to give attention to personal grooming 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 thereby helping students develop an understanding of appropriate appearance in the school setting. The intent of the dress code is to foster an environment that is sanitary, safe, and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the workplace and society.

A student's dress, grooming, and appearance shall:

1. Be safe, and not disrupt or interfere with the educational process.
2. Not include any item that is vulgar, obscene, libelous, or that denigrates another's race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, disability or any other legally protected status.
3. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs, and/or encourage other illegal or violent activities.

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

D. Conduct on School Buses

The following guidelines shall govern student conduct, including that of private and parochial school students, on school buses. School buses are an extension of the school zone and the Code of Conduct applies in its entirety:

1. The bus driver is in charge of the bus. The driver's and/or bus attendant's instructions are to be obeyed promptly by all passengers.
2. Upon boarding the bus, students will select a seat and remain seated for the duration of the trip. Drivers may assign seats when they feel it is necessary.
3. Students shall not bring objects on the bus, which are potentially dangerous or distracting to other students or the driver. Prohibited objects include, but are not limited to, the following:
 - (a) Glass objects;
 - (b) Weapons;
 - (c) Explosive devices;
 - (d) Unauthorized live animals;
 - (e) Unauthorized oversized musical instruments;
 - (f) Unauthorized oversized athletic equipment with the exception of lacrosse sticks and hockey sticks;
 - (g) Unauthorized inline or roller skates, scooters, and skateboards.
4. Students are to be at their bus stop prior to the bus scheduled pickup time. Students who are approaching the bus stop as the bus arrives and who make no effort to be on time may be subject to discipline.
5. Students are required to report to their assigned bus and scheduled route unless the student has received prior authorization from a building administrator.
6. Students may be required to obtain a late bus pass prior to boarding the late bus.
7. Student actions that have the effect of distracting the driver or otherwise interfering with the driver's ability to operate the vehicle in a safe manner are prohibited. Such actions may include, but are not limited to, the following:
 - (a) Extending or throwing objects within or out of the bus;

- (b) Harassing or fighting with other passengers;
 - (c) Extending head, hands, arms or legs out of bus windows;
 - (d) Operating or otherwise tampering with emergency exits;
 - (e) Eating, drinking, smoking, and using drugs or alcohol;
 - (f) Creating excessive noise, including verbal abuse of fellow passengers and the use of profanity;
 - (g) Causing damage to the vehicle (students responsible for damages will be billed for repair costs);
 - (h) Tampering with the vehicle's operating or safety controls;
 - (i) Obstructing the driver's vision or impairing the driver's ability to hear; and
 - (j) Threatening, verbally abusing, attacking or swearing at the driver or bus attendant.
8. A student's right to ride the bus may be suspended for any conduct that violates the provisions of this Code.

E. Electronic Device Guidelines

Any and all electronic devices, including, but not limited to cell phones, smart phones, iPads, tablets, laptops, or any other type of mobile electronic device, have a reduced expectation for privacy once they enter any school zone and may be subject to confiscation and/or search should a school violation be suspected.

Possession and/or use of any personal electronic device is a privilege, not a right, that is extended to the student, which, at the discretion of the school, may be revoked should circumstances warrant.

F. Visitors

The Board encourages visitors such as parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. However, since schools are a place of work and learning, certain limits must be set for such visits. Visitors are anyone who is not an employee or student of the school. For these reasons, the following rules apply to visitors to the schools:

1. The building principal has authority over all persons in the building and on the school grounds.
2. All visitors to the school must use the designated central access point to enter the building and shall report to the principal's office upon arrival at the school to sign the visitor's register and be issued a visitor identification badge. The identification badge must be worn at all times while in the school or on school grounds, and returned to the principal's office before leaving the building. Visitors attending District Functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
3. The building principal may send written notice to any individual who has committed disruptive and inappropriate conduct to inform that person that he or she must obtain prior written consent before entering the school building and/or grounds from and after the date of such notice. The requirement for prior written consent to enter the building and/or grounds shall continue in effect until rescinded by the Superintendent or building principal.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal and classroom teacher(s), so that class disruption is kept to a minimum.

5. Teachers will not be expected to take class time to discuss individual matters with visitors.
6. All visitors are required to abide by the rules for conduct on District Property contained in this Code.

G. Misconduct Committed Off District Property

Students, staff and visitors may be disciplined for misconduct that is not committed on District Property or at a District Function if such misconduct (1) threatens the health, safety or welfare of a student, teacher or other member of the School district staff, or (2) is likely to interfere with the educational environment, or (3) constitutes sexual or another form of harassment that is likely to carry over to the educational environment.

H. Extended Rights Policy (ERP)

The Liverpool Central School District School Zone does not limit authority to only “on campus” incidents. It includes school owned property and buildings, controlled property and buildings while the student is on any vehicle designated by the school for transportation of the student to and from school, or a school related event or any school sponsored or related activity.

A. Scope of Authority

- a. While a student is in the “school zone”, the school has the obligation to protect and control.
- b. When a student leaves the “school zone” the school’s obligation ends, school’s rights continue (no geographical limitation to authority) and include, but are not limited to the following:
 - i. Right to investigate any incident involving students occurring outside of the school zone.
 - ii. Right to gather information and exchange information with the police department regarding actions of the school’s students.
 - iii. Right to make a determination whether actions of the student created a clear danger/disruption connection back to and upon the safe and orderly educational atmosphere of the school.

B. Discipline Determination

- a. Liverpool School District withholds the right to interview and mediate with the student(s) and parent(s) involved.
- b. Right to warn a student not to repeat in any manner their “out of zone” actions while “in the zone.”
- c. Right to change class schedules or enforce any other low level of disciplinary action

C. Right to Suspend

- a. The warnings given to the student are not heeded and/or
- b. The severity of the “out of school zone” action of the student rose to the criminal level, including crimes of harm.
- c. Automatic suspension pending adjudication if the danger level of the criminal act warrants immediate removal from school. The suspension can stay in effect pending criminal court adjudication. The suspension can be removed if and when the student no longer poses a danger or substantial disruption to themselves or others inside the school zone.

D. Civil Law Authority of Schools

- a. Schools operate under civil law
- b. School board disciplinary hearings are private “fact finding” hearings based on civil law criteria
- c. “Preponderance of evidence” is usually the standard for disciplinary determination not guilt beyond reasonable doubt
- d. Status of the related criminal proceeding cannot control or dictate the civil disciplinary decision of the school

E. Moral Contracts

- a. School by policy reserves the right to require any student athlete or any other student involved in an extracurricular, competitive activity to execute a moral contract.

- b. Extra-curricular activities, including athletics, are privileges not rights extended to the student.
- c. With privilege come added responsibility and a reduced expectation of privacy.
- d. Participating students who become a “representative of the school to others” are expected to maintain a high standard of moral conduct inside and outside the school zone.

I. Misconduct Not Specifically Defined

The definitions of misconduct set forth in Section IV of this Code are not meant to be all-inclusive. Thus, any conduct not defined in this Code that violates any federal or New York State statute, or any rule, regulation or established practice of the District, shall be punishable by penalty to be imposed in the discretion of the appropriate District personnel.

J. School Building Rules

The principal of each District school building is hereby delegated the authority to establish standards of conduct and rules for local matters, school building activities and the granting or withholding of student privileges. These standards and rules may include procedures for homeroom; student assemblies; emergency drills; study halls; use of the cafeteria; conduct in the building hallways; use of student lockers; student ID’s and student passes; school parking privileges; book bags and backpacks in the building; bicycles, skateboards, roller blades and similar means of transportation; the use of electronic devices and laser pointers; card playing; and other local matters related to discipline and order in the building. These rules are subject to the approval of the Superintendent and the Board, and will be communicated to students and parents upon such approval.

V. MINIMUM PENALTIES FOR STUDENTS

A. General

1. Students who Bring a Weapon to School

The District complies with the requirements of the Federal Gun-Free Schools Act of 1994. Except as otherwise provided by law and this Code, any student (except, potentially, a student with a disability), who is found guilty of bringing a weapon to school shall be suspended for a period of not less than one calendar year. For purposes of this section of the Code, the term “weapon” means a firearm as such term is defined in 18 U.S.C. 3214, and the Commissioner, pursuant to Education Law 310.

The superintendent of schools is required to refer to the County Attorney (or other county presentment agency, as applicable) any student under the age of 16 who has been determined to have brought a weapon to school, except a student 4 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law. In addition, the superintendent of schools shall refer any student 16 years of age or older or a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law, who has been determined to have brought a weapon to school, to the appropriate law enforcement officials.

Under the Gun-Free Schools Act, the term “firearm” includes:

- 1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- 2) The frame or receiver of any weapon described above.
- 3) Any firearm muffler or firearm silencer.
- 4) Any destructive device, which is defined as any explosive, incendiary, or poison gas, such as a bomb, grenade, explosive or incendiary charge of more than one-quarter ounce, a mine, or other similar device.
- 5) Any weapon which will, or which may be readily converted to, expel a projectile by the action of any explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter.
- 6) Any combination of parts either designed or intended for use in converting any device into any destructive device described above and from which a destructive device may be readily assembled.

The above provision is only intended to apply to cases for which a minimum one-year disciplinary suspension is mandated by law, not any other restrictions or prohibitions with regard to the possession of knives or other such weapons at school. The possession of weapons that might not satisfy the legal definition of a weapon or firearm for purposes of the Gun-Free Schools Act is appropriately addressed Section III © (Acts of Misconduct of Defined and Range of Consequences) and Section IV (A)(19) (Definitions) of the Code.

2. Reports by Teachers

All staff members must report and refer as circumstances permit a violent or disruptive incident to the principal or the Superintendent for a violation of this Code. 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 making the referral.

3. Review by Superintendent of Schools

The minimum penalties established above may be reduced by the Superintendent of Schools on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

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

B. For Misconduct at a District Function

The Superintendent shall be responsible for enforcing the conduct required by this Code at District Functions, and may designate other District employees or agents to take action consistent with this Code.

When an individual is committing prohibited conduct that, in the judgment of the Superintendent or his or her designee, does not pose any immediate threat of injury to persons or property, the individual shall be informed that the conduct is prohibited and asked to stop such conduct. The School official 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 individual shall be immediately removed from District Property or the District Function. Students and staff who violate this Code while at a District Function shall be subject to immediate ejection from the District Function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District may initiate disciplinary action against any student or staff member, as appropriate. The District may also pursue civil and/or criminal sanctions against any person violating this Code.

C. For Violations of the Dress Code

Individuals who violate the provisions of Section IV.C. of this Code shall be asked to cover or remove the offending item, or to replace it with an acceptable article of clothing. Any student who refuses a request by a staff member to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the requirements of Section IV. C. shall be subject to further discipline, up to and including out of school suspension. Visitors who refuse a request by the building principal to cover, remove or replace an offending item shall be subject to removal from District Property or the District Function, as the case may be.

- D. For Damages to Personal Property**
 In situations where a violation of this Code results in damage to the personal property of the District, the District may commence a civil action for full or partial restitution under either a common law theory or appropriate statute. Where the parent and/or student agree to voluntarily make restitution, the District shall take such fact into consideration in determining the penalty for violations of this Code.
- E. For Misconduct on School Buses**
 If a student acts inappropriately on a bus, the bus driver shall bring such misconduct to the building principal's attention. School buses are an extension of the school zone and the Code of Conduct applies in its entirety. Disciplinary measures for misconduct on school buses will include a principal's conference with the student, and may also include a principal's conference with the student's parent. The principal will take disciplinary action deemed appropriate, up to and including suspension of riding privileges. Building principals are authorized to suspend students from bus riding privileges for extended periods of time when the nature of the offense or the recalcitrance of the student warrants such action. Parents will be informed by the building principal of violations of the Code of Conduct and of disciplinary actions taken.
- Any attack upon the driver or other passengers, or other action that the student knew or should reasonably have been expected to know would place the safety of the vehicle and its passengers in jeopardy, may result in the indefinite suspension of bus riding privileges.
- F. For Special Education Students**
 A student with a disability may be suspended only in accordance with the requirements of state and federal law.
- G. For Visitors**
 Any unauthorized person on District property will be reported to District personnel. Unauthorized persons will be asked to leave, and the police may be called if the situation warrants. The authorization of visitors who violate this Code, if any, to remain on District property or at the District function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and to criminal and/or civil penalties as provided by law.

VI. DISCIPLINE PROCEDURES

- A. For Non-Disabled Students**
 The amount of due process a student is to be afforded before a penalty may be imposed depends on the severity of the penalty. In all cases, the District employee authorized to impose the penalty must inform the student of the misconduct he or she is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students must be given an opportunity to present their version of the facts to the school personnel imposing the penalty. Additional processes shall be afforded as follows:
1. For Detentions
 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. If parental transportation is required to serve the detention, parent will be contacted to coordinate such transportation.
 2. For Suspensions from Athletics or Extracurricular Activities
 A student subjected to a suspension from athletic participation, extracurricular 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. See Section VII below.

3. For In-school Suspensions

District authorities must balance the need of individual students to attend school and the need to maintain order in the classroom to establish an environment for all students that is 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 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.

4. For Suspensions from School

Suspension from school is a severe penalty. Students who face possible suspension from instruction shall be afforded the procedural protections guaranteed by Education

Law §3214 and applicable Commissioner's regulations. They shall also be entitled to the following process:

(a) Short-term Suspensions

When the principal proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), he or she must immediately notify the student orally and, if the student denies the misconduct, explain the reasons for the proposed suspension. The principal 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 and shall be delivered to 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 parent 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 in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk within -30 days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

(b) Long-term Suspensions

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing, the student shall have all the rights guaranteed by Education Law §3214.

5. For Permanent Suspensions
Permanent suspension is reserved for circumstances where a student's conduct poses a danger to the safety and well being of others, themselves, school personnel or any other person lawfully on District Property or attending a District Function.

B. For Special Education Students under the Individuals with Disabilities Education Act (IDEA)

The Board recognizes that it may be necessary to suspend, remove, or otherwise discipline students with disability to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled by law to 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 disability are consistent with the procedural safeguards required by applicable laws and regulations.

1. Violations That Warrant a Short-term Suspension
The procedures set forth in Section VI.A.4.(a) of this Code shall apply in those instances where it is determined that the misconduct of students who are classified as disabled by the Committee on Special Education ("CSE") does not warrant a suspension in excess of five consecutive school days.
2. Violations That Warrant a Suspension of 5 to 10 Days
Where it is determined that the acts of misconduct of students classified as disabled by the CSE warrant a suspension of five to ten consecutive school days, the student shall be entitled to a Superintendent's hearing and the other protections of Education Law §3214.
3. Violations That Warrant a Suspension of 10 or More Days
The following procedures shall apply to students classified as disabled by the CSE where it is determined that their misconduct warrants a suspension of ten or more consecutive days:
 - (a) The District shall provide the parent with written notice of the Superintendent's hearing, and the student's rights at such hearing. At the same time, the District shall provide the parent with written notice of a manifestation meeting to be held, if necessary, to determine whether the student's misconduct is a manifestation of his or her disability. This notice shall be served at least five days before the manifestation meeting. A written notice of procedural safeguards shall be sent to the parent with the notice of the manifestation team meeting.
 - (b) Unless waived, a Superintendent's hearing shall be conducted pursuant to Section 3214 of the Education Law.
 - (c) The Superintendent's hearing shall be bifurcated into a guilt phase and a penalty phase. Where the Superintendent's hearing concludes with a finding that the student has committed a violation of this Code, the Superintendent shall make a threshold finding whether the penalty will exceed 10 consecutive days or will constitute a disciplinary change in placement. If so, the hearing shall be adjourned and the matter shall be forwarded for the Manifestation Team to make the required manifestation determination.
 - (d) The Manifestation Team shall determine (1) whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (2) the conduct in question was the direct result of the school district's failure to implement the IEP.
 - (e) Where the Manifestation Team determines that the behavior is a manifestation of the student's disability, the CSE shall (1) conduct a functional behavioral assessment and implement a behavioral intervention plan for such student in accordance with 8 NYCRR 201.3, and (2) except where the student is placed in an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral

intervention plan.

- (f) If, in performing the manifestation determination, the Manifestation Team identifies deficiencies in the student's IEP or placement or in their implementation, the school must take immediate steps to remedy those deficiencies.
- (g) Where the Manifestation Team determines that the behavior is not a manifestation of the student's disability, the matter will be returned to the Superintendent for the penalty phase of the hearing. At that time, the Superintendent shall consider the student's special education records and may consider the student's anecdotal record. (The student's special education records shall be transmitted to the Superintendent or the hearing officer whether or not the Manifestation Team determines that the misconduct is a manifestation of the student's disability). The Superintendent may then impose disciplinary sanctions in accordance with this Code.
- (h) If the student is suspended for 10 consecutive days or more (or is subjected to separate suspensions and/or removals that constitute a change in placement as provided in 8 NYCRR §200-1.3 (a)), the CSE shall (1) conduct a functional behavioral assessment and implement a behavioral intervention plan for such student, provided that the school district had not conducted such assessment prior to the manifestation determination before the behavior that resulted in the change in placement; or (2) if the student already has a behavioral intervention plan, the CSE shall meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change in placement. The CSE shall review and/or prepare the behavioral intervention plan as soon as practicable.

4. Suspensions or Removals that Amount to More Than 10 Days

The procedures set forth in Section VI.B.3.(a) through (g) shall also apply to the discipline of those students classified by the CSE as disabled where the student is subjected to a series of removals or suspensions that constitute a pattern because they cumulate to more than 10 school days in a school year; and because of other factors such as:

- (a) the length of each removal or suspension;
- (b) the total amount of time the student is removed or suspended; and
- (c) the proximity of the removals or suspensions to one another.

5. Continuation of Instructional Program

The District need not provide educational services to students with disabilities who are suspended or removed from the classroom for 10 days or less so long as such services are not provided to students without disabilities who have been similarly disciplined. Therefore, during suspensions or removals of 10 days or less, the District need only provide the student with alternate instruction, not the services listed in the student's IEP.

During suspensions or other disciplinary removals for periods in excess of 10 school days in a school year which constitute a disciplinary change in placement for behavior, students with disabilities shall be provided with services, as determined by the CSE, necessary to enable the student to continue to participate in the general education curriculum to progress toward meeting the goals set out in the student's IEP, and to receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so it does not recur.

6. Weapons or Drug Violations

The following procedures shall apply to the discipline of those students classified as disabled by the CSE in instances where the student has engaged in behavior involving Weapons, Illegal Drugs or Illegal Substances:

- (a) The District shall provide the parent with written notice of the Superintendent's hearing,

and the student's rights at such hearing. At the same time, the District shall provide the parent with written notice of a Manifestation meeting to be held, if necessary, to determine whether the student's misconduct is a manifestation of his or her disability. This notice shall be served at least five days before the Manifestation meeting. A written notice of procedural safeguards shall be sent to the parent with the notice of the Manifestation meeting. If the Manifestation Team identifies deficiencies in the student's IEP or placement at this meeting, it must take immediate steps to remedy those deficiencies.

- (b) Unless waived, a Superintendent's hearing shall be conducted pursuant to Section 3214 of the Education Law.
- (c) Where the hearing concludes with a finding that the student has (1) inflicted serious bodily injury, as defined in section 8 NYCRR 201.1(m) upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency; (2) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency; or (3) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency, the Superintendent may order a change in placement to an interim alternative education setting ("IAES") to be determined by the CSE.
- (d) The CSE shall then meet to determine an appropriate IAES for the student, and the Manifestation Team shall meet to conduct a manifestation determination.
- (e) The CSE must also conduct a functional behavioral assessment and develop a behavioral intervention plan for the student. The CSE shall meet to develop an assessment plan no later than 10 school days after a student's change in placement to an IEAS for a Weapon or Illegal Drug violation. If the student already has a behavioral intervention plan, however, the CSE must review the plan and its implementation and modify it as necessary to address the current behavior. The CSE shall prepare the behavioral intervention plan as soon as practicable.
- (f) Even where the Manifestation Team determines that the student's behavior is a manifestation of the student's disability, the Superintendent may order a change in the student's placement to an IAES.

7. IAES for Dangerous Students

The following procedures shall apply to the discipline of those students classified as disabled by the CSE in instances where the student's conduct is substantially likely to result in injury to the student or to others:

- (a) The District may request an expedited due process hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES pursuant to section 8 NYCRR 201.8 where (1) school personnel maintain that it is dangerous for the student to be in his or her current educational placement; or (2) the school district requests an expedited due process hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- (b) The CSE shall propose an appropriate IAES for the student. If the District requests such a hearing, it shall provide the parent with written notice of its intent to do so, an explanation of the proposed IAES, and the procedural safeguards notice.
- (c) The District shall appoint an impartial hearing officer and schedule the hearing. This shall be done as early as possible in the process, since the expedited hearing must be concluded within 15 days from the request for the hearing.
- (d) At the hearing, the school district must demonstrate by substantial evidence that

maintaining the current placement of the student is substantially likely to result in injury to the student or to others (2) that it has considered the appropriateness of the student's current placement (3) considered whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services, and; (4) determined that the IAES proposed by school personnel meets the requirements of 34 C.F.R. section 300.522(b)(Code of Federal Regulations).

- (e) If the hearing officer finds that the District has established the above-mentioned three items by substantial evidence, he or she may order an IAES.
- (f) If the hearing officer finds that the District has failed to provide substantial evidence of the three items to be established at the hearing, the student must be returned to his or her current placement.
- (g) Within 10 days of the hearing officer's decision, the Manifestation Team must conduct a manifestation determination. The District shall provide the parent with appropriate written notice of the meeting to be held to conduct a manifestation review at least five days before the meeting. A written notice of procedural safeguards shall be sent to the parent with the notice of the Manifestation meeting. If the Manifestation Team identifies deficiencies in the student's IEP or placement at this meeting, the school must take immediate steps to remedy those deficiencies.

8. Students Presumed to Have a Disability

In some instances, students who have not been classified by the CSE as having a disability will be afforded the protections of IDEA and Article 89 of the Education Law when it is alleged that they have committed a violation of this Code. This is true where the District is "deemed to have knowledge" before the alleged misconduct occurred that such student had a disability. In that event, the student is "presumed to have a disability for discipline purposes."

- (a) The District will be "deemed to have knowledge" that a student had a disability if, prior to the time the behavior occurred:
 - (i) the parent of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
 - (ii) the parent of the student has requested that an individual evaluation of the student be conducted; or
 - (iii) a teacher of the student, or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the school district or to other supervisory personnel of the school district in accordance with the district's established child find or special education referral system.
- (b) However, a student is not a student presumed to have a disability for discipline purposes if, as a result of receiving the information specified above:
 - (i) the parent of the student has not allowed an evaluation of the student;
 - (ii) the parent of the student has refused the provision of services, or
 - (iii) the District conducted an individual evaluation and determined that the student is not a student with a disability.
- (c) If a parent claims that the District is deemed to have knowledge that the student had a

disability prior to the time the alleged misconduct occurred, the Superintendent or building principal imposing the suspension or removal must determine whether the student is a student presumed to have a disability.

- (d) If the Superintendent or building principal imposing the disciplinary action determines that none of the factors set forth in subsection (a) above was present prior to the alleged misconduct or that the exclusion of subsection (b) above applies, the District is not deemed to have knowledge that the student had a disability. In that event, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.
- (e) If, on the other hand, the District is deemed to have knowledge of the student's disability, the student may only be disciplined in accordance with IDEA and Article 89 of the Education Law.
- (f) In the event a parent requests an individual evaluation while a non-disabled student is subjected to a disciplinary removal or suspension, the District must conduct an expedited evaluation. The process for such expedited evaluation is as follows:
 - (i) An expedited evaluation must be completed no later than 15 school days after receipt of the request for an evaluation. The District must send a written notice of the evaluation to the parent and obtain parental consent before such evaluation may be conducted.
 - (ii) Not later than 5 school days after completion of the expedited evaluation, the CSE must hold a meeting to determine the student's eligibility for special education.
 - (iii) Until the expedited evaluation is completed, the student must remain in the placement determined by the District, which includes suspension or removal.
 - (iv) If the student is determined to have a disability, the District must provide special education to the student and may discipline the student only in accordance with IDEA and Article 89 of the Education Law.
 - (v) If the student is determined not to have a disability, the student may be subjected to the same disciplinary measures as any other non-disabled student.

C. For Section 504 Students under the Rehabilitation Act of 1973

The procedures relative to disciplining students identified as being disabled under Section 504 of the Rehabilitation Act of 1973 (Section 504 students) are as follows:

1. Violations That Warrant a Short-term Suspension
The procedures set forth in Section VII.A.4.(a) of this Code shall apply in those instances where it is determined that the misconduct of students who are classified as disabled under Section 504 does not warrant a suspension in excess of five consecutive school days.
2. Violations That Warrant a Suspension of 5 to 10 Days
Where it is determined that the acts of misconduct of students classified as disabled under Section 504 warrant a suspension of five to ten consecutive school days, the student shall be entitled to a Superintendent's hearing and the other protections of Education Law §3214.
3. Violations That Warrant a Suspension of 10 or More Days
The following procedures shall apply to students classified as disabled under Section 504 where it is determined that their misconduct warrants a suspension of ten or more consecutive days:
 - (a) The District shall provide the parent with written notice of the Superintendent's hearing, and the student's rights at such hearing. At the same time, the District shall provide the

parent with written notice of a manifestation meeting to be held, if necessary, to determine whether the student's misconduct is a manifestation of his or her disability. A written notice of procedural safeguards shall be sent to the parent with the notice of the manifestation meeting.

- (b) Unless waived, a Superintendent's hearing shall be conducted pursuant to Section 3214 of the Education Law.
- (c) The Superintendent's hearing shall be bifurcated into a guilt phase and a penalty phase. Where the Superintendent's hearing concludes with a finding that the student has committed a violation of this Code, the Superintendent shall make a threshold finding whether the penalty will exceed 10 consecutive days. If so, the hearing shall be adjourned and the matter shall be forwarded to the manifestation team to make the required manifestation determination.
- (d) The Manifestation Team shall determine whether (i) the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or (ii) the conduct in question was the direct result of the school district's failure to implement the 504 Plan.
- (e) Where the Manifestation Team determines that the behavior is a manifestation of the student's disability, the 504 Team shall return the student to the placement from which the student was removed, unless the parent and the school district agree to a change of placement.
- (f) If, in performing the manifestation determination, the Manifestation Team identifies deficiencies in the student's 504 Plan or placement or in their implementation, the school must take immediate steps to remedy those deficiencies.
- (g) Where the manifestation team determines that the behavior is not a manifestation of the student's disability, the matter will be returned to the Superintendent for the penalty phase of the hearing. At that time, the Superintendent shall consider the student's 504 records and may consider the student's anecdotal record. (The student's 504 records shall be transmitted to the Superintendent or the hearing officer whether or not the Manifestation Team determines that the misconduct is a manifestation of the student's disability). The Superintendent may then impose disciplinary sanctions in accordance with this Code.

4. Continuation of Instructional Program

The District need not provide the educational services listed in the student's 504 Plan to section 504 students who are suspended or removed from the classroom for 10 days or less so long as such services are not provided to students without disabilities who have been similarly disciplined. Therefore, during suspensions or removals of 10 days or less, the District need only provide the student with alternate instruction, not the services listed in the student's 504 Plan.

During suspensions or other disciplinary removals for periods in excess of 10 school days in a school year, Section 504 students shall be provided with the services listed in the student's 504 Plan.

D. For Conduct on School Buses

School buses are an extension of the school zone and the Code of Conduct applies in its entirety:

The procedures relative to alleged infractions of this Code governing student conduct on school buses are as follows:

- 1. A student subject to a suspension from transportation 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 building principal to discuss the conduct and the penalty involved.
- 2. In the event the suspension from transportation amounts to a suspension from attendance, the

student will be entitled to a hearing pursuant to Education Law §3214 before the suspension exceeds five school days.

3. In cases of improper student conduct on school buses, drivers will discuss the situation with the offending student(s) and will complete a Bus Conduct Report and forward the same to the building principal.
4. The principal will attempt to assure that the offending student understands the nature and potential consequences of his or her actions.
5. In administering disciplinary measures, building principals will consider the nature of the infraction, the age of the student, and the student's history of behavior in school and on school buses.
6. Where a student's riding privileges have been suspended, the student's parent will be responsible for seeing that the student gets to and from school safely.

E. Waivers of Superintendent's Hearing

A student and parent may voluntarily and knowingly waive his or her right to a Superintendent's hearing under Education Law §3214. In this regard, the District's administration is directed to promulgate a regulation to establish the procedures for a waiver and to develop a waiver form that meets the requirements set forth in the Commissioner's decision in Appeal of McMahon, 38 Ed. Dept. Rep. 22(1998).

F. For Visitors

The following procedures shall apply procedurally to violations of this Code by non-students:

1. The Board hereby delegates authority to enforce these rules and regulations to the Superintendent of Schools. The Superintendent may designate such person, or persons, as he or she deems necessary, for the enforcement of these rules and regulations.
2. The Superintendent may initiate and/or receive charges of any alleged violation of these rules and regulations and cause all investigations to be made.
3. The Superintendent may request all lawful assistance to secure, remove, eject or otherwise prevent persons from adversely affecting public order or from materially disrupting normal school processes.
4. Enforcement of these rules and regulations against persons other than the students shall be as provided by law.

VII. ATHLETIC/EXTRACURRICULAR ACTIVITIES

A. General Guidelines

Participation in Liverpool Central School District activities (athletic/extracurricular) is a privilege, which should elicit the student's pride in themselves, their family and their school. To participate, a student must be willing to abide by the code of conduct and the extracurricular activities' rules and regulations, and behave as a good citizen in order to insure the success of our students and our extracurricular activities programs. This is also important as these students serve as examples and role models for all the students of the school district as they participate in extracurricular activities.

Liverpool Central School District students who participate in extracurricular activities are subject to the same rules of behavior and conduct as specified in the Liverpool Student Handbook and Code of Conduct, in addition to this Extracurricular Activities Code.

Furthermore, a student who participates in an extracurricular activity, club or organization will also be responsible to follow the rules of behavior and conduct for that particular extracurricular activity, club or organization, and the rules or regulations of the teacher or extracurricular activities advisor of the extracurricular activity, club or organization, which may be provided as an addendum to this Code of Conduct (i.e. the Liverpool High School Marching Band Code of Conduct or field trip guidelines, etc.)

B. Definition

Extracurricular activities are those programs and activities for students that are outside of a school district's curriculum and do not result in academic credit. A representational list of such extracurricular activities includes but is not limited to the following:

- Band, choir, orchestra or any student clubs or organizations;
- The graduation ceremony;
- School award ceremonies and banquets;
- Student Government;
- School field trips;
- Proms or other school dances, and;
- Sports teams and activities, including intramural sports.

C. Participation

Every student who participates in an extracurricular activity is required to sign a statement of personal commitment. A copy of this document is attached as an addendum to this Code of Conduct. A student's signature communicates their willingness to set a positive example, adhere to basic concepts of good citizenship and follow proper rules and regulations. Their parent/guardian's signature acknowledges this commitment.

When violations occur, the parent/guardian must call the appropriate Administrator or Curriculum Coordinator to discuss holding a meeting in which the student will have an opportunity to explain their version of events regarding the violation.

Students who participate in extracurricular activities are expected to attend all of their assigned classes. Any student who is absent from school for more than 50% of a school day will need the permission of the Coach/Advisor/Principal to participate in extracurricular activities on that day.

Students absent on a Friday may participate on a Saturday. Any student suspended either in or out of school will not be allowed to attend or participate in extracurricular activities during their suspension.

This rule is in effect one year from the signing date, whether school is in session or not, and whether the extracurricular activity in which the student takes part, is in session or not.

D. Violations

Violations that will be dealt with by the Athletic/Extracurricular Activities Code of Conduct Regulations include, but are not limited to the following:

1. Use and/or possession of drugs or alcohol.
2. Hosting, attending, or remaining at parties or activities where illegal distribution of alcohol, drugs or other performance enhancing substances are present and/or used.

3. Use of and/or possession of tobacco or tobacco products.
4. Repeated disregard of school or activity rules.
5. Theft of property.
6. Vandalism or destruction of property.
7. Lying regarding an alleged violation or failure to cooperate with a District investigation of an alleged violation.

E. Eligibility and Penalties

Violation of this code will result in a restriction from participation, a suspension for a period of time, or a loss of eligibility based on the severity of the infraction. A student guilty of breaking any of the rules will be subject to the following minimum actions:

1. Beginning on the date of the first offense the student will be placed on probation for one year. The student will be allowed to practice/meet with the team/activity, but will be suspended from competition/performance as outlined below:
 - a. In the case of an initial infraction, the duration of the competition/performance suspension shall be a number equal to at least 25% of the contests/activities contained within the regular season competition/performance. Where necessary, the competition/performance suspension shall continue into the student's next season/activity period to complete the 25% suspension.
 - b. For those extracurricular activities whose competition/performance/activity are held on only a single occasion and the student participant violates the extracurricular activities code of conduct, based on the severity of the infraction, such student may be precluded from participating or attending the extracurricular competition/performance/activity.
2. If a second offense occurs during the probationary period, the student will be allowed to participate with the team/activity, but will be suspended from competition/performance. In this case, the duration of the competition/performance suspension shall be a number equal to at least 50% of the contests and/or activities contained within the regular season competition and/or performance. Where necessary, the suspension shall continue into the student's next season/activity period to complete the 50% suspension. A new probationary period will begin on the date of the second offense. A conference will be held with the parents/guardians, student, coach/advisor, and school officials before the student is reinstated. Counseling may be recommended.
3. If a third offense occurs during the newly established probationary period, the student will be suspended from participation in any activity for one year beginning on the date of the third offense. A conference will be held with the parent/guardian before the student is reinstated in any extracurricular activity within the Liverpool Central School District.
4. This does not prohibit the coach/advisor of a specific sports activity from enacting and enforcing their own team/activity rules.

In addition to the penalties outlined above, a student may also be precluded or suspended from being a spectator at any extracurricular activity or interscholastic athletic event or contest, as well as a participant.

VIII. APPEALS FROM IMPOSITION OF DISCIPLINE

A. Appeals to the Board

Appeals from all decisions of the Superintendent of Schools or a building principal relative to this Code shall be taken to the Board. All appeals shall be made in writing and shall set forth the decision appealed from and the grounds for the appeal. The written appeal shall be filed with the District Clerk no later than thirty (30) days from the date of the decision which is the subject of said appeal, unless the party appealing can show that extraordinary circumstances prevented the timely filing of the appeal. The Board may adopt in whole or in part the decision of the Superintendent or building principal, and will make its decision in writing. The Board's decision shall be based solely upon the record before it.

B. Appeals to the Commissioner

Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

IX. TEACHER REMOVAL OF DISRUPTIVE STUDENTS

A. Purpose

A disruptive student impairs a teacher's ability to teach and interferes with the ability of other students in the classroom to learn. The Board expects that, in most instances, the classroom teacher will be able to control disruptive student behavior by using good management techniques and existing discipline procedures. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students can continue to learn. For purposes of this Section IX, "removal" shall have the meaning set forth in Section IV. A 14,15 of this Code.

B. Right to Remove Disruptive Student

If a classroom teacher determines that a student has engaged in "disorderly conduct" as defined in Section III C of this Code, the teacher may remove the student from class for no more than two (2) consecutive classes if the class is regularly 50 minutes or more in length, or for no more than three (3) consecutive classes if the class is regularly under 50 minutes in length. The removal from class applies to the class of the removing teacher only.

C. Teacher's Conference With the Student

1. Immediate Conference with the Student.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must explain to the student, before the student is removed, why he or she is being removed from the class. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

2. Exception to the Rule.

If the student poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, the teacher may order the student to be removed immediately. In this event, the teacher must 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 of the time of removal.

D. The Principal's Role

1. Teacher's Meeting with the Principal

The teacher must complete a discipline referral form and meet with the principal 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 referral form. If the principal is not available by the end of the same school day, the teacher must leave the discipline referral with the secretary and meet with the principal prior to the beginning of classes on the next school day.

2. Notice to the Parents

Within 24 hours after the student's removal, the principal or another District administrator designated by the principal, must notify the student's parent, in writing, that the student has been removed from class. The notice must explain the reason(s) for the removal and 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 and behavior modification(s) to remedy the cause for the removal.

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

3. Conference with Parents

If the student denies the charges at the informal meeting, 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, teacher and principal.

4. Principal's Review of the Removal

The principal or the principal's designee may overturn the removal of the student from class if the principal finds that (a) the charges against the student are not supported by substantial evidence, or (b) the student's removal is otherwise in violation of law, or (c) the conduct may warrant suspension from school pursuant to Education Law §3214, such that a suspension may be imposed.

The principal or his or her designee must make a determination as to whether to overturn the removal before the close of business on the day following the informal hearing. 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. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

E. Continued Educational Program

Any disruptive student removed from the classroom by the classroom teacher shall be offered the continued educational program and other activities of the class until he or she is permitted to return to the classroom.

F. Documenting the Removal Process

Each teacher must keep a complete record of all actions related to a student's removal from his or her class on the District's Removal Form. The principal must also keep a record of all actions he or she takes with respect to a student who is removed from class in accordance with this Section of the Code.

G. Special Education Students

Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. For that reason, no teacher may remove a student with a disability from his or her 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.

X. EARLY IDENTIFICATION PROCEDURES

A. Applicability

The following procedures shall be utilized to involve pupil service personnel, administrators, teachers,

parents and students in the early identification of possible discipline problems:

1. Suspected Handicapping Condition
All parties shall routinely follow the steps prescribed by the District Committee on Special Education (“CSE”).
2. Non-Handicapped Students
Non-handicapped students are routinely referred by teachers, or teams of teachers, to their guidance counselor for counseling or other specialized services. The referrals are coordinated by the guidance counselors who, in turn, involve other personnel to assist the teacher or team of teachers in helping resolve the particular problems experienced by the students. The specialists may include: school psychologist, speech therapist, reading teacher, school nurse, school community counselor, PINS prevention counselor and the building principal.
3. Referrals
Referrals to identify and resolve discipline problems may be initiated by parents, attendance aides, teachers and/or principals. The referrals will be made to guidance counselors or to the Pupil Service Assistant at the elementary grade levels who, where necessary, may make further referral to principals, school psychologists, outside counseling agencies, drug counselors and/or building pupil services committees.

XI. REFERRAL TO LAW ENFORCEMENT AUTHORITIES

The building principal must immediately notify the Superintendent of those Code violations that constitute a crime and substantially affect the order or security of a school. The Superintendent and/or building administrator are to inform the appropriate local law enforcement agency as soon as practical, but in no event later than the close of business on the day the Superintendent learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day. The notification must identify the student(s) and explain the conduct that violated the Code and constituted a crime.

The District will immediately confiscate any weapons, alcohol or illegal substances possessed by a student and will notify the parent of the student involved of the incident. Appropriate disciplinary action will be taken, up to and including permanent suspension and referral for criminal prosecution.

The Superintendent shall refer any student who is determined to have brought a weapon to school who is under the age of 16, or who is 14 or 15 years old and does not qualify for juvenile offender status under the Criminal Procedure Law to the County Attorney for a juvenile delinquency proceeding before the Family Court.

The Superintendent shall refer a student over the age of 16 and any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities for prosecution. Students 14 or 15 years old who qualify for juvenile offender status under § 1.20 of the Criminal Procedure Law include those who possess a concealed firearm, machine-gun or loaded firearm on school grounds. The Superintendent may consult District counsel if he or she has any question as to whether the student in question qualifies for juvenile offender status.

XII. ALTERNATIVE EDUCATION PROGRAMS

The following educational programs shall be utilized as appropriate to meet the individual needs of students:

A. STUDENT TRANSFERS

1. Involuntary Transfers
Education Law §3214(5) provides the following procedure whereby such a transfer may be accomplished:
 - (a) The principal shall give written notice to the pupil and person in parental relation that a recommendation for transfer is being considered. Such notification shall schedule a time and place for an informal conference and shall notify the pupil and person in parental relation that they have a right to be accompanied by counsel or an individual of their

choice.

- (b) Following the informal conference, if the principal believes that the pupil would benefit from the transfer, or that the pupil would receive an adequate and appropriate education in an extended school day, the principal shall make a recommendation to transfer to the Superintendent, with a copy to the pupil and person in parental relation. The recommendation must include a description of (i) the behavior and/or academic problems indicative of the need for a transfer; (ii) alternatives to transfer which were explored; and (iii) prior action taken to resolve the problem.
- (c) The Superintendent shall consider the recommendation. If the Superintendent determines that the transfer is in the best interest of the student, he shall notify the pupil and person in parental relation of the proposed transfer and their right to a fair hearing. Such notification must (i) identify community agencies and free legal services which may be of assistance; and (ii) include a statement that the pupil or person in parental relation has ten days in which to request a hearing and that no transfer shall take place, except upon written parental consent, until the ten-day period has elapsed, or until a formal decision following a hearing, if requested, has been rendered.
- (d) Following the above notice, and after a review of the principal's recommendation, the transfer may be affected either (i) upon written parental consent; (ii) at the expiration of ten days if no hearing is requested; or (iii) following a hearing, if requested.

2. Applicability

The foregoing procedure may be used in cases of irregular attendance or habitual truancy (i.e., where there is no provision for suspension beyond five days). It is also available to address conduct which is disorderly or insubordinate, but where a suspension in excess of five days is not sought.

B. Alternative Education Programs at BOCES

1. The Program

The Alternative Education Programs at BOCES (the "Program") offer a variety of options to students experiencing great difficulty and frustration in the traditional school setting. Some programs consist of an in-school academic component and an out-of-school work component. An individual education plan is developed for the students to meet their needs in 7th through 12th grade English, Math, Social Studies and Science. Physical Education is also provided. Where provided, the work component matches each student's interests and aptitudes with available job sites.

2. Length of Program

A student's placement with the Program varies, depending upon the needs of the student and the program in which they are enrolled. In some cases, the behavioral and attitudinal changes necessary for a student's successful re-entry to his home school may require two years. Where a student is placed in a yearlong program, at the end of each year, the Program staff and representatives from each home school district meet to make recommendations for the student's next academic year.

3. Program Goals

- (a) To improve each student's attitude toward himself, others, the school, and the learning process.
- (b) To improve each student's skills in English, Mathematics, Social Studies, Science, and Reading.
- (c) To improve each student's ability to interact with his peers and the community. The result of successfully obtaining these goals is the return of the student to his/her school and subsequent graduation from high school.

- (d) The ultimate goal of the program is for the students to return to their home schools and finish high school.

4. Academic Component

The instructional programs are developed on an individual basis. Each student receives instruction in English, Mathematics, Social Studies, Science and Reading based on the New York State Syllabi. Daily scheduling of learning activities is flexible and designed to meet each student's needs. Students earn privileges and stipends based on a token economy system. Points are earned by a student during the day based upon behavior and academic performance. These points can be spent later on specific privileges, i.e., breaks, telephone use, field trips.

5. Work Component

A work component may be an integral part of a student's program. It provides a basis for the development of punctuality, job responsibility, and other skills and attitudes necessary for employment. The work site supervisor plays an important part in the program. One person at the job site is designated to:

- (a) instruct students in proper safety;
- (b) verify attendance and tasks completed;
- (c) complete quarterly evaluation forms; and
- (d) supervise the student's work.

Students will be supervised at all times at the work site, including lunch and break.

6. Program Staff.

The staff of the Program are appropriately qualified teachers who have a willingness and desire to work with students who need a great deal of structure and understanding. The staff is the key to the Program's success and were recruited for the Program.

7. Parental Involvement

The Program is designed to help those students most likely to drop out of school upon attaining the age of 16 to remain in and graduate from high school. It is a highly structured, behavior-oriented program that requires a great deal of energy. This is an ambitious undertaking and requires the commitment of the staff and administrators of the BOCES and home school as well as the help of the parents. The success of the Program relies heavily on parent cooperation and involvement. The staff places special emphasis on building positive parent-school communication. Parent involvement includes an initial home visit plus parent-teacher conferences scheduled throughout the school year. The staff coordinates interaction among school, home, work, and social agencies.

XIII. IN-SERVICE EDUCATIONAL PROGRAM

A. Suggested Programs

The Board will provide in-service education programs for all District staff members to ensure the effective implementation of this Code. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code:

1. School Oriented Programs developed at the district and building level.
2. Superintendent's Workshop days.
3. Building faculty meetings.

4. Assertive Discipline Programs and films presented at the building.

XIV. PUBLICATION AND REVIEW

A. Publication

This Code shall be filed in each school building, to include a link on the website and shall be available for review by any individual.

B. Review

This Code shall be reviewed by the Board on an annual basis and shall be amended when appropriate. In conducting this review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the Code. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before making 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. Any amendments to the Code will be filed with the Commissioner of Education no later than 30 days after adoption.

XV. INTERPRETATION

A. Calculating Time Limits

When any period of time for an act to be done under this Code ends on a Saturday, Sunday or a public holiday, such act may be done on the next succeeding business day and, if the period ends at a specified hour, such act may be done at or before the same hour of such next succeeding business day.

B. "Time Out" Techniques

Nothing in this Code abridged the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

C. Authority to Suspend

Nothing in this Code abridges the customary right or responsibility of a principal to suspend a student when, in the judgment of the principal, the student's conduct warrants the same.

D. Inconsistent Provisions

To the extent that any provision of this Code conflicts with any District rule, regulation or policy, the provisions of this Code shall be controlling.

E. Not Exclusive

These rules and regulations and the penalties imposed hereunder shall not be deemed exclusive, nor as a limitation, waiver, or extinguishment of the District's right to utilize other available legal remedies against persons who violate this Code. The District may take additional or other legal action, as it deems appropriate or necessary to maintain public order.

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APPENDIX I
2023-2024
Liverpool Central School District
Dignity Act Coordinators

Each building and department has a designated Dignity Act Coordinator. This person has been trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex.

The Dignity Act Coordinator for each school is the building principal (contact information listed below). [You may also reach the Dignity Act Coordinator for your child's school via our Web site.](#)

District Wide Dignity Act Coordinator
 Jennifer DiBianco, Director of Student Services
 315-622-7190
 E-mail: jdibianco@liverpool.k12.ny.us

Chestnut Hill Elementary Todd Bourcy, Principal 315-453-0242 E-mail: tbourcy@liverpool.k12.ny.us	Willow Field Elementary Susan Lohret, Principal 315-453-1196 E-mail: slohret@liverpool.k12.ny.us
Donlin Drive Elementary Heather Silvia, Principal 315-453-0249 E-mail: hsilvia@liverpool.k12.ny.us	Chestnut Hill Middle David J. Hunter, Principal 315-453-0245 E-mail: dhunter@liverpool.k12.ny.us
Elmcrest Elementary Daphne Valentine, Principal 315-453-1252 E-mail: dvalentine@liverpool.k12.ny.us	Liverpool Middle Joseph Mussi, Principal 315-453-0258 E-mail: jmussi@liverpool.k12.ny.us
Liverpool Elementary Jessica Ancona, Principal 315-453-0254 E-mail: jancona@liverpool.k12.ny.us	Morgan Road Middle Maura White, Principal 315-453-1230 E-mail: mhwhite@liverpool.k12.ny.us
Long Branch Elementary Jason Taylor, Principal 315-453-0261 E-mail: jltaylor@liverpool.k12.ny.us	Soule Road Middle Stacey Rebecchi, Principal 315-453-1283 E-mail: srebecchi@liverpool.k12.ny.us
Morgan Road Elementary Amy Godkin, Principal 315-453-1268 E-mail: agodkin@liverpool.k12.ny.us	Liverpool High School Brett Woodcock, Executive Principal 315-453-1500 E-mail: bwoodcock@liverpool.k12.ny.us
Soule Road Elementary Jonathan Kilian, Principal 315-453-1280 E-mail: jkilian@liverpool.k12.ny.us	Liverpool High School Principals Briana O'Brien (blarocca@liverpool.k12.ny.us) Frank DeMauro (fdemauro@liverpool.k12.ny.us) Nicole Cummings (ncummings@liverpool.k12.ny.us) Elizabeth Acee (eacee@liverpool.k12.ny.us) Jordan Sterio (jsterio@liverpool.k12.ny.us)