

# Dana Lyon Middle School

## Parent/Student Handbook 2023-2024



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**Dana Lyon Middle School Student Handbook  
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### **Our Mission:**

The Bath Central School District is...  
Committed to every student, every day  
Community centered  
Globally connected

### **Our Vision:**

The Bath Central School District will be an innovative learning community committed to excellence by providing a safe, nurturing, experience-rich environment that promotes life-long learning to empower all individuals to meet the challenges of an ever-changing future.

### **Our Core Values:**

- The education of all students is the primary focus of our efforts.
- Every child deserves a safe, nurturing environment.
- Effective communication within the school community is essential.
- We will provide meaningful, engaging learning opportunities while being fiscally responsible.
- We are all life-long learners.
- We will embrace diversity to strengthen understanding and resiliency.
- As the center of the community, the school will respond to its needs.
- Our high expectations will result in excellence.

### **IMPORTANT MESSAGE TO PARENTS**

The school and local officials have adopted several measures that will help to ensure the safety of our staff and students.

- Students are welcome to enter the building at 7:00 a.m.
- The back doors will be locked from 7:30 a.m. to 2:15 p.m., making the front doors the only means of entering the building.
- An emergency action plan is posted in every classroom.

We thank you in helping us to carry these measures out.

### **Parental Involvement**

We encourage parental involvement in middle level activities and parental contact with teachers. Teachers want to work together with students and parents to assure that all students are successful. This cooperation is necessary to help our students to achieve the middle level goals and expectations. Please call the school and leave a message if you wish to speak with a teacher.

# CODE OF CONDUCT

## A. Introduction

The Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

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

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## B. Definitions

For purposes of this code, the following definitions apply.

**“Disruptive student”** means student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

**“Violent student”** means a student who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

**“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or

secondary school; or in or on a school bus (Education Law §11 [1] and Vehicle and Traffic Law §142).

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

**“School Function”** means a school-sponsored extra-curricular event or activity (Education §11 [2]).

**“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

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

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11 [5])

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

**“Harassment”** means the creation of a hostile environment by conduct or by verbal 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, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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 (Education Law §11 [7]).

**“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal

knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **C. Student Rights and Responsibilities**

### **1. Student Rights**

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

- a. Take part in all district activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- b. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
- c. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

### **2. Student Responsibilities**

All district students have the responsibility to:

- a. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
- b. Familiarize themselves with and abide by all district policies, rules and regulations dealing with student conduct.
- c. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- d. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- e. Respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- f. Work to develop mechanisms to control their anger.
- g. Ask questions when they do not understand.
- h. Seek help in solving problems that might lead to discipline.
- i. Dress appropriately for school and school functions.
- j. Accept responsibility for their actions.
- k. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

## **D. Essential Partners**

### **1. Parents**

All parents are expected to:

- a. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- b. Send their children to school ready to participate and learn.
- c. Ensure their children attend school regularly and on time.
- d. Ensure reasons for absences are documented in the school office.
- e. Insist their children be dressed and groomed in a manner consistent with the student dress code.
- f. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- g. Know school rules and help their children understand them.
- h. Convey to their children a supportive attitude toward education and the district.
- i. Build good relationships with teachers, other parents and their children's friends.
- j. Help their children deal effectively with peer pressure.
- k. Inform school officials of changes in the home situation that may affect student conduct or performance.
- l. Provide a place for study and ensure homework assignments are completed.

## **2. Teachers**

All district teachers are expected to:

- a. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- b. Be prepared to teach.
- c. Demonstrate interest in teaching and concern for student achievement.
- d. Know school policies and rules, and apply them in a fair and consistent manner.
- e. Communicate to students and parents:
- f. Course objectives and requirements
- g. Marking/grading procedures
- h. Assignment deadlines
- i. Expectations for students
- j. Classroom discipline plan
- k. Communicate regularly with students, parents and other teachers concerning growth and achievement.

## **3. Guidance Counselors**

- a. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- b. Initiate teacher/student/counselor conferences and parent/student/teacher/counselor conferences, as necessary, as a way to resolve problems.
- c. Regularly review with students their educational progress and career plans.
- d. Provide information to assist students with career planning.
- e. Encourage students to benefit from the curriculum and extracurricular programs.

## **4. Principals**



- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- c. Evaluate on a regular basis all instructional programs and staff.
- d. Support the development of and student participation in appropriate extracurricular activities.
- e. Responsibly act in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

## **5. Superintendent**

- a. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- b. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- c. Inform the Board about educational trends relating to student discipline.
- d. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- e. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

## **6. Board of Education**

- a. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- b. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- c. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

## **E. Dress Code**

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

The administration or their designee will determine if a student's dress attire is inappropriate by utilizing the following guidelines:

Dress, grooming and appearance, including hair style/color, jewelry, make-up and nails

1. Be safe, appropriate and not disrupt or interfere with the educational process.

2. Not wear clothing that is provocative or immodest. The following attire is considered inappropriate:

- Tops with revealing necklines
- Tops without straps or backs
- Tops that are not long enough to cover the mid-section (stomach)
- See-through garments
- Extremely short skirts and shorts
- Pants and shorts not worn above the hips
- Muscle shirts without sleeves
- No chains or long coats (7:30AM-2:13PM )

All undergarments should be completely covered with outer clothing.

3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. No hats are to be worn in the school building from 7:30 AM to 2:13 PM during school days, except for religious or medical purposes.
5. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Individuals who violate the 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 subject to further discipline, up to and including out of school suspension.

## **F. Prohibited Student Conduct**

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

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

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

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

1. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
  - a. Running in hallways.
  - b. Making unreasonable noise.
  - c. Using language or gestures that are profane, lewd, vulgar or abusive.
  - d. Obstructing vehicular or pedestrian traffic.
  - e. Engaging in any willful act which disrupts the normal operation of the school community.
  - f. Computer/electronic communication misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
  - a. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
3. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
  - a. Committing or attempting to commit an act of violence (such as hitting, kicking, punching, scratching, and biting) upon another student or any other person lawfully on school property or attempting to do so.
  - b. Possessing a weapon, a look-alike weapon, or what appears to be a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  - c. Threatening to use any weapon.
  - d. Intentionally damaging or destroying school or personal property while on school property, including graffiti or arson.
4. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but are not limited to:
  - a. Stealing, lying, cheating, plagiarism or other acts of dishonesty, including violation of acceptable use policy for computer and internet use, altering records, or assisting another student in any of the above actions.
  - b. Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language or words which may incite or offend another person.
  - c. Discrimination, which includes the use of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; as a basis for treating another in a negative manner.
  - d. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  - e. Verbal or physical intimidation.
  - f. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

- g. Selling, using or possessing obscene material.
- h. Smoking a cigarette, cigar or pipe, or using chewing or smokeless tobacco, possession of tobacco products or electric cigarettes on school premises, vaping or use of any electronic cigarette device on school on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
- i. Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or being in possession of an alcoholic beverage on school premises (including buildings or grounds), at a school-sponsored function, or on a bus going to or from a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
- j. Being under the influence, using, possession of, sale or gift of any drug or controlled substance, look-alike drug or tobacco products or any instruments for the use of such drugs, controlled substance or look-alike drug or tobacco such as a pipe, syringe or other paraphernalia, while on school premises (including buildings and grounds) or on a bus going to or from a school function or school sponsored function. Excepted is any drug taken in accordance with medical regulations outlined in the student handbook.
- k. Inappropriately using or sharing prescription and over-the-counter drugs.
- l. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- m. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

## **G. Reporting Violations**

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

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

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

## H. Disciplinary Penalties

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

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If there is a question that the conduct of a classified student may be related to his/her disability, the student shall be referred to the Committee on Special Education for a manifestation determination hearing. If warranted, discipline shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability.

### 1. Penalties

Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination:

- Oral warning
- Written warning
- Written notification to parent
- Detention
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension of other privileges
- In-school suspension
- Removal from classroom by teacher
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school

The specific details of some of the above punishments are as follows:

- **Teacher Detention**

A teacher may require a student to remain after school any school day unless the building administrator prior to 2:20pm has provided a valid excuse on the day the student is to serve detention.

Teachers may choose to have students stay the next night due to appointments, bus problems, work, etc.

Sports and work are not a valid excuse for missing detention.

Bus students staying for teacher detention and/or receiving individualized help after 2:14pm will be given a LATE BUS PASS by that teacher.

- **Administrative Detention**

Detention forms may be issued to students by the administrator for:

- Chronic tardiness
- Failure to serve teacher detention
- Any other disciplinary problem

Administrative detention will be served from 2:20pm to 3:50pm on Tuesdays and Thursdays.

All students must be in the detention room by 2:20pm.

Students who report for administrative detention will be expected to work on homework, class assignments, or read. These activities will not involve talking to other students, disrupting other students, or disrupting the quiet atmosphere of the detention room. Students who do not report to administrative detention will serve SOS.

Students will have to make arrangements for their own transportation at 3:50pm.

- **School on Saturday (SOS)**

A student may be assigned SOS as a result of serious infractions of the school rules or repeated instances of violation of school rules.

SOS will be held from 8:15am to 11:45am on every Saturday of the school year, except during school holidays.

It is expected that the student will make the necessary positive changes in behavior. If the negative behavior continues, an out of school or in school suspension may result.

- **In-School Suspension (ISS)**

Students assigned ISS are expected to work quietly in a separate room during the school day. The students work and materials for their classes will be brought to them. Students will eat lunch separately from the rest of the student body and will be expected to adhere to all ISS rules and procedures.

Students may be assigned ISS for serious violations of school rules. The administration understands the importance of keeping students in school. Therefore, ISS will be used in instances where students may normally have been suspended from school. Insubordination, use of tobacco on campus, and refusal to attend SOS are some examples where ISS may be used. The amount of time spent in ISS will vary depending on the severity of the behavior.

- **Out of School Suspension (OSS)**

Students assigned OSS are suspended from school for serious violations of the school code of conduct where other forms of discipline do not match the seriousness of the behavior.

Students suspended out of school cannot attend any extra-curricular or after school events.

When a student receives OSS they are expected to attend Project Resolve for each day of the suspension. Project Resolve occurs from 3:00pm to 5:00pm and is supervised by a certified teacher. Students that attend Project Resolve are considered in attendance for that day and will receive their school work for the day. Students will have the opportunity to discuss their behavior and the choices they made that resulted in the suspension.

## **2. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

### **a. Detention**

Teachers, principals and the superintendent may use after school, before school, and lunchtime detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. When detention is imposed as a penalty, the student's parent will be notified.

### **b. Suspension from transportation**

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

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

### **c. Suspension from athletic participation, extra-curricular activities and other privileges**

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

**d. Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student the opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- short-term "time out" in a classroom or in an administrator's office;
- sending a student to the principal's office for the remainder of the class time only;  
or
- sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. Upon removal, the teacher must provide substantially equivalent educational directions and materials.

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

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

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



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

The principal will require the teacher who ordered the removal to attend the informal conference as per Education Law §3214(3) (b).

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

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

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

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

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from 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.

**e. Suspension from school**

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

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

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

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**i. Short-term (5 days or less) suspension from school**

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school, within 24 hours from the decision. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and the 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 danger to persons or property or an ongoing threat of disruption to academic progress. If the student’s presence does pose such a danger or threat or disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonable.

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 superintendent within five business days, unless they can show extraordinary

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

**ii. Long-term (more than 5 days) suspension from school**

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 the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

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

**iii. Permanent suspension**

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

### **3. Minimum Periods of Suspension**

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

Any student found guilty of bringing a weapon onto school property could be subject to suspension from school for at least one calendar year. A student with a disability may be suspended only in accordance with state and federal law. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case

basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

**b. Students who commit violent acts other than bringing a weapon to school**

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

**c. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom**

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom could be suspended from school for at least five days. A student with a disability may be suspended only in accordance with state and federal law. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## 4. Referrals

### a. Counseling

A student in need of counseling may be referred by appropriate school personnel or by the student's parent.

### b. PINS Petition

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS.

### c. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school.
- Any student 14 or 15 years old who qualifies for juvenile.
- Offender status under the Criminal Procedure Law §1.20(42).

## I. Alternative Instruction

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

## J. Discipline of Students with Disabilities

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

### 1. Authorized Suspensions or Removals of Students with Disabilities

For purposes of this section of the code of conduct, the following definitions apply:

A “**suspension**” means a suspension pursuant to Education Law § 3214.

A “**removal**” means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative

educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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

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

- a. The Board, the district (BOCES) superintendent of schools or building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. (See Section IV - Prohibited Student Conduct - for the definitions of weapon, controlled substance, and illegal drugs.)

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

## **2. Change of Placement Rule**

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- a. for more than 10 consecutive school days; or
- b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more

than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

The district's Committee on Special Education shall:

- a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such a plan and its implementation, to the extent the committee determines necessary.

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

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

The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge that student was a student with a disability, the district either:

- a. conducted an individual evaluation and determined that the student is not a student with a disability, or
- b. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

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

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

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

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.



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

#### **4. Expedited Due Process Hearings**

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
- c. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever comes first, unless the parents and the district agree otherwise.
- d. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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

#### **5. Referral to law enforcement and judicial authorities**

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

- a. The district may report a crime committed by a child with a disability to appropriate authorities (ex. school resource officer), and such action will not constitute a change of the student's placement.
- b. The superintendent shall ensure that copies of the special education and disciplinary records of a student with a disability are available for consideration to the appropriate authorities to whom a crime is reported.

## **K. Corporal Punishment**

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

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

- Protect oneself, another student, teacher or any person from physical harm.
- Protect the property of the school or others.
- Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

## **L. Student Searches and Interrogations**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda" - type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or district code of conduct.

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

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

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

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

### **1. Student Lockers, Desks and other School Storage Places**

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **2. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- a. Name, age and grade of student searched.
- b. Reasons for the search.
- c. Name of any informant(s).
- d. Purpose of search (that is, what item(s) were being sought).
- e. Type and scope of search.
- f. Person conducting search and his or her title and position.
- g. Witnesses, if any, to the search.
- h. Time and location of the search.
- i. Results of search (that is, what item(s) were found).
- j. Disposition of items found.
- k. Time, manner and results of parent notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **3. Police/ School Resource Officer Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- A search or an arrest warrant; or

- Probable cause to believe a crime has been committed on school property or at a school function; or
- Been invited by school officials.

No police officer shall be allowed to perform a student search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises or the search is made incidental to a lawful arrest. Whenever practical, said searches should be conducted by a police officer of the same gender as the student and in the presence of a nurse or another district professional employee who is also of the same gender. In the case of a police officer presenting a search warrant, the Building Principal shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the Building Principal as soon thereafter as is practical.

Definition of terms:

- Interview: The focus of an interview is to get information by questioning a person about his knowledge of an event or its circumstances and if appropriate, to get that knowledge documented, i.e. potential witnesses, actual witnesses and victims of crimes or offenses.
- Interrogation: The focus of an interrogation is to obtain information by questioning a suspect or defendant about his participation in an offense, to seek his oral admission of the act or omission and if possible, to get those admissions documented in a written statement (or confession).

The Bath Central School District recognizes the necessity that students may be the subject of investigations by law enforcement and Child Protective Services. A student that may be the victim of neglect, physical or sexual abuse by a parent, guardian or other person legally responsible for said child and in those instances, the school will not contact the parents, guardians, or other legally responsible person for said child. Those contacts will be left to law enforcement and Child Protective Services as to not compromise the investigation or placing the child or other children in the home at further risks. The Bath Central School District will document that the student was interviewed (when, where, duration and by whom) and the nature of the interview (i.e. child abuse victim, etc.).

The Bath Central School District also recognizes that students may be interviewed by law enforcement officer(s) about their knowledge of an event or its circumstances and in those instances, the Bath Central School District and the law enforcement agency should extend the courtesy of parent notification and coordinate parent notification when the child is less than 16 years of age. The Bath Central School District recognizes that law enforcement need not make parent notification if the student is 16 years of age and older.

The Bath Central School District further recognizes that children under the age of 16 who are questioned (interrogation) by law enforcement officers about their participation in an offense, are subject to the provisions of the New York State Family Court Act, Article 3, Section 305.2 and Article 7, Section 724, which require the law enforcement officer to notify the parent or other person legally responsible for his care.

The Bath Central School District further recognizes that children 16 years of age and older, who are questioned (interrogation) by law enforcement officers about their participation in an offense are not subject to the provisions of the above paragraph and law enforcement is not required to notify the parent or other person legally responsible for his care.

## **1. Child Protective Services Investigations**

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

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

## **M. Visitors to the Schools**

NOTE: During any health-related emergency visitors to the buildings will be limited. All safety measures in place from the C.D.C. and/or Department of Health must be followed exactly.

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

If you wish to contact the teacher by telephone, please call the office and the teacher will return your call at his/her earliest convenience.

If you wish to contact a student, please call the office and a message will be relayed to the student. We ask that you keep phone calls to a minimum.

IF A COURT OF LAW HAS DECIDED ON A SINGLE CUSTODIAL PARENT, IT IS IMPERATIVE THAT THE OFFICE BE NOTIFIED IMMEDIATELY, IN WRITING, OF THIS DECISION. Also, please notify the office immediately of any changes in custodial situations.

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

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

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

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

### **1. Prohibited Conduct**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.

- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Shall use any tobacco products on school grounds. Vaping or use of any electronic cigarette device on school on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **2. Penalties**

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

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

## **3. Enforcement**

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to

persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to person or property, the principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **O. Dissemination and Review**

### **Dissemination of Code of Conduct**

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

- Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
- Making copies of the code available to all parents at the beginning of the school year.
- A summary of the code of conduct written in plain language to all parents of District students will be distributed at the beginning of the school year.
- Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
- Providing all new employees with a copy of the current code of conduct when they are first hired.
- Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an informational program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding informational programs pertaining to the management and discipline of students.

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

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

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

## **II. DANA LYON MIDDLE SCHOOL POLICIES AND GUIDELINES**

### **A. Bussing**

Middle School students will continue to be dropped off and loaded **in the front circle**. We believe all passengers can behave appropriately and safely while



riding on a school bus. In order to provide any person riding the bus, the safe transportation they deserve, the following discipline plan will be enforced:

**Bus Safety Rules:**

1. The bus driver is the authority on the bus. The driver may assign seats and reassign seats if the rules are not followed.
2. Stay in your seats.
3. Do not throw objects.
4. No eating or drinking on the bus. Glass containers are not allowed.
5. Keep hands, feet, head, and objects out of the aisle and inside the bus.
6. Do not use profane, vulgar, abusive language, words, or gestures, which may incite another person.
7. Do not fight or cause physical harm to anyone.
8. Do not bring tobacco, alcohol, drugs, firearms, knives, or other weapons on the bus.
9. Do not bring pets, or objects (such as glass containers) on the bus that may jeopardize the health or safety of the passengers.
10. Do not damage or tamper with bus equipment, including seat belts.
11. Do not commit, or participate in, any willful act that disrupts the normal operation of the school bus. You are responsible and accountable for your behavior.
12. Students are expected to be ready 10 minutes prior to the designated arrival of the bus.

**Consequences:**

The Transportation Department will use the following steps in response to violation(s) of the School Bus Safety Rules and Transportation Policy and Procedures.

Level 1:

- a. Driver and/or monitor warns student verbally.
- b. Driver and/or monitor files a bus conduct report with the Transportation Supervisor who will file this with the school office for documentation.

Level 2:

- a. Driver and/or monitor files a bus conduct report with the Transportation Supervisor who will file this with the school office for documentation.
- b. Driver, monitor or Transportation Supervisor will phone the parent/guardian to make them aware of the violation.
- c. The principal, assistant principal, or dean of students will meet with the student to discuss the bus rule violation.

Level 3:

- a. Driver and/or monitor files a bus conduct report with the Transportation Supervisor who will file this with the school office for documentation.
- b. Principal, assistant principal or dean of students will meet with student to determine appropriate disciplinary action.
- c. Principal, assistant principal, or dean of students will contact parent/guardian.

**Level 4: Serious Incidents**

- a. Driver and/or monitor will report the incident immediately to the Transportation Supervisor.
- b. Driver and/or monitor file bus conduct report, accident report, and any other supportive documentation in the event a student is involved in a willful action that threatens the welfare of another student or staff member.
- c. Transportation Supervisor will phone parent/guardian to make them aware of the serious incident.
- d. Transportation Supervisor will contact principal, assistant principal, or dean of students to notify them of the incident. A conduct report will be filed with all pertinent information and documentation.
- e. Principal or assistant principal, or dean of students will meet with student to determine appropriate disciplinary action.
- f. Principal, assistant principal, or dean of students will contact parent/guardian.

*Level 4 incidents are not required to follow Level 1, 2, or 3 in sequence.*

Every student who rides a bus to school is expected to ride the same bus home unless the driver has a note from the Principal, Assistant Principal, or Dean of Students stating special arrangements have been approved by the school. A signed and dated parental note to the building principal is necessary to make special arrangements for transportation.

If you have questions or concerns related to the transportation of your child you may call Director of Transportation at the bus garage (776-7900).

**Late Bus Passes:**

All bus students who are required to stay after school for detention and/or teacher directed activities would need to obtain a Late Bus Pass.

Students who are staying with a teacher for teacher detention or to participate in a teacher directed activity will be issued a Late Bus Pass from that teacher.

No students will be permitted on the second bus trip without a Late Bus Pass. The late bus will load at approximately 3:10. Students need to exhibit appropriate behavior while waiting for the busses to arrive. Failure to follow the procedures listed above will result in suspension from riding the late bus.

## **B. Cafeteria**

1. Each student will be assigned one lunch period.
2. All students in the Bath Central School District are eligible to receive complimentary breakfast and lunch. Any questions or concerns regarding food service can be addressed by contacting the cafeteria manager's office by contacting 776-4110 ext 1706.
3. Students using the cafeteria are expected to:
  - Arrive promptly.
  - Remain seated at the table throughout the lunch period, except when returning their trays after they have finished eating.
  - Be courteous to cafeteria staff, faculty, supervisors, and fellow students.
  - Show respect for school property.
4. Students who abuse these expectations will face disciplinary action.
5. All food is to be consumed in the cafeteria, not in the halls or classrooms.
6. Students may bring lunch from home.

## **C. Dances**

Haverling students in grades 6-8 may attend Middle School dances. They are held in the MS gym or cafeteria

Dance times vary and will be announced in school prior to the dance.

Students who were under suspension, in ISS or were absent that day may not attend the dance that evening or on that weekend (Saturday dance).

Students may not leave before the dance is over unless parents come into the school to pick them up or prior arrangements have been made.

Students should dress appropriately and wear soft-soled shoes.

Students from other school districts, who wish to attend a school dance at Haverling, must be pre-registered by a Haverling student by the end of the day preceding the

dance. The pre-registration form will be available in the Middle School office. Haverling students will be limited to ONE guest. Out of district students not on the registration list will not be allowed on school grounds. The administration reserves the right to deny access to certain guests. The guest must be of the same age group as the students attending the dance. The Haverling student will be held responsible for the behavior of his/her guest.

**D. Distribution of Literature**

Students have a right to distribute literature on school grounds and in school buildings provided such distribution does not interfere with or disrupt the educational process. No literature may be distributed unless a copy is submitted in advance to the Superintendent of Schools.

The Superintendent shall establish guidelines that are in keeping with the above and shall provide for the review of the content of all student publications prior to their distribution.

**E. Electronic Devices**

Although we acknowledge the role of technology in our lives, cellular phones and beepers are prohibited in classrooms. These attractive devices will be targets for thefts, so we encourage students to leave them at home. If it is necessary for a student to carry a cellular phone, CD player or other personal electronic device, it must be turned off and out of sight, and cannot be used between 7:30 am and 2:14 pm. Use of the camera phone is prohibited.

**F. Facility Access for Student Groups**

1. The Bath Central School District, upon the direction of the Board of Education, shall grant equal access to student groups who wish to meet for religious, political, or philosophical purposes within the school buildings of the district under the following conditions:
  - The student activity is student initiated and student led.
  - That the school administrators are satisfied normal school procedures regarding maintenance of order and discipline are met.
  - The activity is held after the instructional day is over as are all other non-curriculum related activities.
  - Non-school persons may not direct, conduct, control, or regularly attend activities of these groups.
  - The school or its employees may not sponsor, promote, lead, or participate in the meetings.
2. The scheduling of areas for meetings will follow existing procedures through the office of the high school building principal.

**G. Food and Drink in the Hallways**

Open beverages and/or eating food in the hallways is not allowed. Students may bring food and/or drink into their classes based upon the discretion of the teacher.

## H. Hall Passes

1. Under normal circumstances a student is not expected to leave class to go to their locker or to the telephone.
2. A student should not be in the hall without a pass issued by the teacher who released the student.
3. A student will not be excused from a class or study hall unless he/she has a pre-signed pass by the individual who wishes to see him/her that period. The student must remain with the individual who signed the pass for the entire period.
4. A student who arrives late to his/her next period class because he/she was getting additional help from a teacher should ask for a hall pass from that teacher. The student should give this pass to the teacher when entering his/her next class.
5. Hall passes are provided for students who request to leave a class to visit the bathrooms, to see the nurse, or to travel within the school. These passes are provided in the agenda

## I. Health Office

1. A student who needs to seek assistance from the school nurse should obtain a signed pass from his/her teacher before going to the Health Office. Exceptions will be made in the case of an emergency. In the case of an emergency, or if the nurse cannot be located, students should contact the principal's office.
2. All medication must be dispensed from the Health Office under a signed consent form issued by the physician and the parent/guardian.
3. Medication and/or prescriptions must be in the original bottle or container as dispensed by the pharmacist. Medication shall be delivered to the school nurse by the parent. Children are not permitted to bring medication to school.
4. All accidents and injuries must be reported to the nurse.
5. The nurse must speak directly with a parent/guardian or other authorized person before giving a student permission to leave school due to injury or illness. Disciplinary action will be taken if a student leaves the school building without authorization.
6. A note from the student's physician may be required if a student needs an adaptive gym program or needs to be excused from physical education class for an extended period of time. Only a note from the student's physician then may release the student back to regular gym program and sports.
7. During the academic year the school nurse will be screening: Vision, Hearing, and Scoliosis. A physical exam by the school physician will include; Body Mass Index and Weight Status Category. This is in accordance with current NYS mandates.
8. BMI and weight status categories will be submitted to the NYS Dept. of Health unless otherwise requested by parent or guardian.

#### **J. Homework**

All students are expected to turn in homework in a timely fashion. Homework that is not turned in on a timely fashion may not receive credit.

A student who wishes to obtain additional help with a classroom assignment is expected to make an appointment to see the teacher.

A student who is absent may have his/her parent/guardian call the appropriate Office by 8:00 a.m. and request homework assignments be made available to them. Homework requests may be picked up in the office after 2:30 p.m.

It is the student's responsibility, after any classroom absence, to obtain and complete missed classroom responsibilities as determined by the individual teacher.

Parents are encouraged to communicate with their child's teacher in regard to homework policies and procedures.

#### **K. Insurance**

In most cases the only applicable coverage will be that carried by the student's parents. If any insurance questions should arise, please contact the Superintendent's office.

The District's insurance policy is a secondary policy.

#### **L. Internet Access**

The Bath Central School District is providing employees and students with access to the District's Electronic Communication System, which includes the Internet. Regulations governing the acceptable use of the Internet are available to parents, students, and staff in each school's library or at our district website ([www.bathcsd.org](http://www.bathcsd.org)).

#### **M. Field Trips**

1. Going on a field trip is a privilege one earns.
2. Each student must present a parental permission slip signed by the parent/ guardian to the teacher in charge prior to the date of departure.
3. A student may be denied permission to participate in the field trip due to: unfulfilled academic responsibilities, excessive absences from class, a scheduled test/quiz, and/or critical lesson/lab or behavioral concerns. Final determination will be made by the school principal.

#### **N. Library**

The library is available to all students to work individually or in small groups.

Students wishing to go to the library during their regularly scheduled study hall should report to the study hall first and get a pass to go to the library.

Students using the library are to remain in the library for the entire class period. Unless other arrangements have been made, students in 4<sup>th</sup> and 5<sup>th</sup> grade will have library scheduled as part of their special area classes.

**O. Lost and Found**

1. Lost books, papers, clothing etc. may be found in the middle school office.
2. Lost gym suits, towels, sneakers, etc. may be found in the physical education office.

**P. Physical Education**

1. New York State Department of Education requires all students successfully fulfill physical education requirements in order to graduate.
2. Students in grades 6-8 participate in a structured physical education program.
3. Attendance is mandatory for physical education classes. A student who illegally cuts class will be assigned detention.
4. UNIFORMS are mandatory for physical education classes. The uniform requirements are:
  - A. gym shorts
  - B. T-shirt
  - C. socks
  - D. Sneakers
5. An unprepared grade is given for students who do not wear the required uniform. Students are allowed to be unprepared one (1) time per quarter.
6. A student who is injured or ill and is unable to participate in the physical education class must present a doctor's excuse and will be marked MDX (medical) for the period of time that he/she is injured or ill.
7. If a student needs an adaptive gym program, a note from the student's physician will be required.

**Q. School Closings**

In the event of emergency school closings, notices will be broadcast over the following radio stations:

- |    |      |          |        |
|----|------|----------|--------|
| A. | WABH | AM1380   | Bath   |
| B. | WVIN | FM98.3   | Bath   |
| C. | WCIK | FM103.1  | Bath   |
| D. | WINK | AM/FM106 | Elmira |

**R. Study Halls**

1. Students are expected to arrive to study halls on time with work to do.

2. Students may sign out with a "pre-signed" pass to go to another teacher's room during the scheduled study hall. Students are required to remain with that teacher for the remainder of that period.
3. Students who wish to use the library during their regularly scheduled study hall should report to study hall first and get a pass before going to the library. Students will be required to sign in and remain in the library the entire period unless other arrangements have been made.
4. Restriction Lists: Students receiving two or more unsatisfactory comments or who are failing two or more subjects on their report cards will be restricted to the study hall unless they have specific library work for a teacher.

#### **S. Book Care**

Students will be issued a textbook and a book number. The student's name will identify all books. It is the responsibility of the student to return the books in good condition with allowances made for general book wear and depreciation. To help preserve books, students are expected to cover them with a suitable cover.

#### **T. After School**

All Students are expected to leave school grounds at the conclusion of the school day. The school day ends at 2:10PM for 4<sup>th</sup> and 5<sup>th</sup> graders and 2:13PM for grades 6<sup>th</sup> -8<sup>th</sup>. Any student remaining after school for approved extra-curricular activities, detention, extra-help, or athletics are to be in the designated supervised area at all times. Students who are disruptive, or are found wandering will face disciplinary consequences.

#### **U. Lockers**

Every student will be issued a locker on the first day. To avoid problems, students may not share lockers. We encourage students to keep their lockers in order. The use of a school locker is a privilege. Any student misusing or abusing this privilege may lose their use of a locker. Lockers must be kept locked at all times when not in use.

#### **V. Learning Center**

The Learning Center is staffed throughout the day to provide extra academic support for all students. Students wishing to come to the learning center for help can come during their study halls and after school.

#### **W. Student Publications**

Students shall enjoy the constitutional right of freedom of expression. They shall have the right to express their views in speech, writing, or through any other medium or form, limited solely by those restrictions imposed on all citizens generally and those specifically applicable to children and youth in a school setting.

The Board of Education encourages student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an



opportunity for students to express their views and a means of communicating both within and beyond the school community.

All student publications will comply with the rules for responsible journalism. Libelous statements, unfounded charges and accusations, obscenity, false statements, materials advocating racial or religious prejudice, hatred, violence, the breaking of laws and school policies and/or regulations, or materials designed to disrupt the educational process will not be permitted. Expressions of personal opinion must be clearly identified as such, and bear the name of the author. Opportunity for the expression of opinions differing from those of the student publishers must be provided.

In addition, student newspapers and/or publications, which are paid for by the school district and/or produced under the direction of a teacher as part of the school curriculum, are not considered a public forum. In such cases, the Board reserves the right to edit or delete such student speech, which it feels, is inconsistent with the district's basic educational mission.

## **X. Bullying Policy**

The Dana Lyon Middle School is committed to providing a safe and productive learning environment. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus.

For purposes of this policy, the term "bullying" is defined as follows:

"Bullying is when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself or herself." (Olweus Program Definition)

### **Three Key components of Bullying Behavior:**

1. Involves an aggressive behavior.
2. Typically involves a pattern of behavior repeated over time.
3. Imbalance of power or strength.

### **Bullying can take three forms:**

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

The Dana Lyon Middle School also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, e-mail, web sites, chat rooms, and text

messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of district students or employees.

However, it is important to note that a single negative act as enumerated above may also constitute “bullying” (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the building principal. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the Bath Haverling Central School District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the school district. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

The Dana Lyon Middle School prohibits any retaliatory behavior directed against complainants, students that are bullied, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged person bullying and the student that is bullied shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at school district sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the Dana Lyon Middle School to prevent against bullying behavior and to support and protect students that are bullied shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to students that bully, students that are bullied and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized school-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the Dana Lyon Middle School *Code of Conduct* as enumerated above and may also be incorporated in staff and student handbooks.

**The four anti-bullying rules:**

1. We will not bully others.
2. We will try to help others who are bullied.

3. We will try to include students who are left out.
4. If I know that somebody is being bullied, we will tell an adult at school and an adult at home.

If a student or parent believes the child is a victim of bullying or cyberbullying the guidance office will provide assistance.

## **Y. Sexual Harassment Policy**

It is policy of the district that all employees and students have a right to work or study in an environment free of discrimination, which encompasses freedom from sexual harassment. The district strongly disapproves of sexual harassment of its employees or students in any form, and states that all employees as well as students at all levels of the district must avoid offensive or inappropriate sexual or sexually harassing behavior at school, on school grounds, school functions, and on school transportation and will be held responsible for ensuring that such workplace is free from sexual harassment. Specifically, the district prohibits the following:

1. Unwelcome sexual advances
2. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the student-teacher, student-student or employment relationship;
3. Other verbal or physical conduct of a sexual nature made to any employee or student that may threaten or insinuate either explicitly or implicitly that any person's submission to or rejection of sexual advances will in any way influence any decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, academic performance, or any other condition of employment, academic or career development;
4. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment.
5. Public display of affection: such as hugging, kissing or inappropriate touching, at any time, in any place in the school.

Such conduct may result in disciplinary action up to and including dismissal or suspension in accordance with appropriate provisions of Education Law and other legal statutes.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel or students is also prohibited. This behavior includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, and sexually suggestive objects, books, magazines, photographs, cartoons or pictures.

Students who have complaints of sexual harassment by anyone in the school environment, including any supervisors, students, or visitors are urged to report such conduct to the compliance officer so that the district may investigate and resolve the problem. If the complaint involves the compliance officer, or if the person for any reason is uncomfortable in dealing with the compliance officer, the student may go to

the Superintendent or a person appointed by the Superintendent to handle the complaint.

The district will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The district will endeavor to maintain the information provided to it in the complaint and investigation process as confidentially as possible, consistent with the laws of the State and, if applicable, the collective negotiations agreement.

There will be no retaliation against employees or students for reporting sexual harassment or assisting the district in the investigation of a complaint. However, if after investigating any complaint of harassment or unlawful discrimination, the district learns that the complaint is not in good faith or that an employee or student has provided false information regarding the complaint, disciplinary action may be taken against the individual who provided the false information.

The procedure to investigate any complaint shall be consistent with the Anti-Discrimination Policy 5301P.

## **Z. Vandalism**

Any student vandalizing school property or another individual's personal property will be held accountable for replacement costs in addition to disciplinary and/or legal action.

## **III. Guidance and Related Services**

### **A. Guidance Office**

Students wishing to see a guidance counselor must sign in when arriving at the guidance office and sign out when leaving. Otherwise you will be reported as not having been in the office

### **B. Course Load**

All full time students 6-8 must be scheduled for six classes per day plus Physical Education. Students are NOT permitted to drop courses after the course has begun except with the authorization of the building Principal. The Guidance Office is located in the main office of the Middle School. The Middle School guidance counselors may be reached by phoning 776-4110 during school hours.

### **C. Alternative Education Program**

Students who are having problems meeting school requirements with regard to academic credits, attendance, social problems, etc., may be considered for placement in the Middle School Alternative Education Program. This is available to 7<sup>th</sup> and 8<sup>th</sup> Grade Students.

Selection for the program is determined by the Student Support Team.

**D. Academic Intervention Services**

Students needing academic support may receive help in a variety of ways. Selection of candidates for these corrective programs is based on achievement and NYS Assessment Scores along with teacher recommendations. An individualized program is designed to help meet his/her individual needs. Services provided may include push-in, small group pull-out, consultation, or after school remedial sessions. These services may be provided by a remedial reading/math teacher or her assistants, regular classroom teacher, or blended classroom teacher.

**E. Report Cards**

Student report cards will be available on School Tool four times a year, approximately every ten weeks. Student progress reports will also be available on School Tool every five weeks. A passing grade is considered a 65% or better. Student Final Averages are determined by adding the 4 marking periods plus the final exam and then dividing by 5.

**F. Honor Roll**

Students must pass all courses and be enrolled as a full time student to be considered for the Honor Roll.

Students who have achieved a grade point average of 90.0 or above will be placed on the High Honor roll list.

Students who have achieved a grade point average between 85.00 and 89.99 will be placed on the Honor Roll.

The High Honor roll list and the Honor Roll list will be published in an area newspaper at the completion of each of the four marking periods.

**G. Promotion/Diploma Requirements**

The school's main goal is to promote academic growth for its pupils. Increasingly, however the school is held accountable for the overall growth and well-being of its students. With this in mind, the school must consider the needs of each pupil to assure the best placement. A student must be in good academic standing to pass on to the next grade level. A student who fails two or more courses may be retained. Promotion to the next grade level may be possible after the successful completion of an approved summer school program. In keeping with Board of Education Policy, final decision regarding student placement rests with the building principal.

**H. Availability of Student Records**

1. Permanent record files are intended to provide information, which can be used to develop the best possible educational program for each student. A parent or a legal guardian is entitled to inspect the student's cumulative record.

2. At the time of inspection, it is recommended that appropriate school personnel be present in order to assist in the interpretation of the records and to answer any questions that may arise.
3. A parent/guardian who wishes to inspect a student record should call the Guidance Office at (776-4110) to make an appointment.

#### **I. Class Schedule**

Each student will be given a class schedule upon his/her admission to Haverling.

There are a total of eight class periods per day in grades 6-8. Students in 4<sup>th</sup> and 5<sup>th</sup> grades will continue with a more elementary type schedule as they begin the transition to middle level.

### **IV. ATTENDANCE**

#### **A. General Information**

Students are expected to attend all class sessions. If the parent/guardian is aware of a situation where the student will miss several days, please contact the Middle School office.

Students who are absent from class will be held academically accountable for all work missed. Students should make an appointment with the teacher regarding the material covered, assignments, and other academic work that may have been missed during their absence.

New York State's Compulsory Attendance Law requires that all students under the age of 16 must remain in school until the last day of the school year in which they turn 16 (3205 (1)).

#### **B. Legal and Illegal Absences**

Any absence from school is either legal or illegal, as determined by the SED. The following are considered **legal** absences:

- Illness
- Serious illness or death of family member
- Medical, dental, and/or health related treatments
- Absences approved in advance by the building administrator (Ex. College Visitations, job interview, court appearance.)
- Absences resulting from conflicts in school scheduled academic activities as determined by the building administrator.
- Religious observance
- In school and out-of-school suspension
- Authorized absence from class

Upon return after an absence a student's academic, and/or administrative responsibilities should be completed within a maximum of 5 class days unless otherwise determined by the individual teacher or administrator. Exceptions could be made in case of a doctor verified extended illness.

When a student is absent, it is the responsibility of the parent/guardian to notify the appropriate office by 8:00 a.m. The Middle School office (776-4110) should be notified when a student in grades 6, 7 or 8 will be absent. Homework requests should be made at this time.

In the event the school is not notified of an absence by a parent/guardian, a phone call will be made to the home to confirm the reason for the absence as time permits.

A student is expected to **BRING AN EXCUSE** written by his/her parent/guardian upon his/her return to school. The excuse should identify the date(s) of the absence and the reason for the absence and must be given to the homeroom teacher.

If the student fails to bring in an excuse to the homeroom teacher (**by the third day**) after his/her absence, the absence will be considered illegal.

### C. Attendance Policy Overview

**Pre-Amble:** Good student attendance is an integral part of education; therefore, it is the policy of the Bath Central School District to promote a sound attendance policy, which in turn will lead to the development of skills, habits, understanding, and knowledge. Since irregular attendance is a frequent cause of school failure, the Bath Central School District has adopted the following policy.

**Definitions:** the following definitions shall apply to this policy.

**Absence** - in order to comply with state education law, an absence is defined as ANY absence from class, regardless of whether it is a legal or illegal absence.

Absences from class shall include, but are not limited to the following reasons:

- Illness
- Truancy
- School sponsored trips
- Instrumental music lessons
- "Cutting" class
- Academic or athletic contest
- Medical, dental, and health related treatments
- College visitations
- Family trips
- Employment

If you are not physically present in class you are considered absent, regardless of the reason. Absences resulting from In-school and Out of School Suspension will NOT count

as an absence for this policy as state education law requires instruction during these suspensions.

Students assigned an out of school suspension will be provided with instruction during Project Resolve from 3:00-5:00 p.m. Teachers will provide assignments missed during each day of the out of school suspension. If the student does not attend, or leaves early, they will receive a zero (0) on all missed work.

**Class Period** - to be credited with a period of class attendance a student must be present for at least one-half of the period scheduled for that class.

**Long Term Illness** - When a student is going to be out of school for an extended period of time (more than 3 days) due to illness certified by a physician, it is the responsibility of the parent to contact the school to arrange for homebound tutoring. Once he/she is receiving homebound tutoring, he/she is considered to be attendance at school.

**School Sponsored Absence** - Should a student be absent from a class due to a school-sponsored activity, the student will have the opportunity to make-up the absence. The student must speak with the respective teacher(s) and complete any work that the student had missed due to his/her absence. If the missed work is completed satisfactorily, the absence will not be counted towards the attendance policy.

The scope of a school sponsored activity includes, but is not limited to:

- Band Lessons
- Class Trips
- Class Meetings/assemblies
- School affiliated field trips
- Sports (participants only)
- Called to office/nurse
- Career Dev. Council Activities
- Course/Guidance tests
- Youth in Government internships

**Transfer students:** Students who move into the district part way through the school year shall have the maximum number of days allowed absent pro-rated based on the total number of days remaining in the school year.

**Classified and 504 Students:** Absences due to a student's disability may not be counted toward the number of absences to determine eligibility for course credit.

#### **D. Attendance Requirement**

Students under the age Of 16 are required to attend school on a regular basis. Failure to attend school can have academic consequences. At the middle level we have established a guideline to combat students with attendance issues. Once a student reaches the next stage of absenteeism additional notifications and consequences will be put in place.



## **E. Parental Notifications**

Parents shall be notified of absences from class as follows:

**Stage 1** 10 Days absent from a 40-week course  
5 days absent from a 20-week course

The attendance policy form will be mailed by the office to the home. Copies will be filed with the guidance office.

Any appeals regarding the accuracy of the recorded absences may be made at this time by requesting a conference with the Principal.

**Stage 2** 15 days absent from a 40-week course  
9 days absent from a 20-week course

The attendance policy form will be mailed by the office to the home. Copies will be filed with the guidance office and the teacher involved. The Dean of Students or Principal will call the parent and meet with the child to express the schools concern over absenteeism

Any appeals regarding the accuracy of the recorded absences must be made at this time.

**Stage 3** – 22 days absent from a 40-week course  
13 days from a 20-week course

A certified letter will be mailed to the parent informing that the student has reach stage 3 of our attendance policy. A conference will be scheduled with the parent, student, and guidance counselor to discuss responsibilities and options. A pre-PINS Hearing will be held with the probation department to determine what next steps should be taken

These options may include, but are not limited to:

FILING of a PINS, retaking of the course in summer school, Change in placement (ie alternative education),

**ANY STUDENT TAKING A COURSE FOR HIGH SCHOOL CREDIT WILL FOLLOW THE ATTENDANCE POLICY FOR THE HIGH SCHOOL.**

**Physical Education:** Full year Physical Education classes, meeting every other day, will follow the parameters of a 20-week course.

## **F. Appointments**

Students are not allowed to leave the school building and/or school grounds during the school day without a note specifically requesting such leave for the legal reasons listed under attendance "B". All other excuses will be considered illegal. The note must be presented to the appropriate office by 7:35 a.m. and must be signed by the student's parent/guardian. Phone calls are made randomly to verify student excuses.

Students who are absent from class will be held academically accountable for all work missed. Students should make an appointment with the teacher regarding the material covered, assignments, and other academic work that may have been missed during their absence.

Students who were under suspension or were absent for the entire day due to illness MAY NOT attend or participate in school activities that afternoon or evening. If the suspension is on a Friday, the student will not be allowed to attend any school activities until the following Monday or until the suspension is complete.

Students not in attendance by 10:12 a.m. or released from the nurse's office due to illness will also be ineligible from attending or participating in school activities that afternoon or evening.

Students who are absent from school on Friday or released from the nurse's office due to illness, will be ineligible to participate in any school activities on Saturday.

## **G. Truancy**

You are truant if you are absent or leave school at any time without the permission of school officials and parents.

### **A. Class Truancy:**

- First truancy will result in parent notification by the teacher and assignment of Administrative detention.
- Second truancy will result in parent notification and assignment of two Administrative Detentions.
- Third truancy will result in parent notification, an administrative conference and assignment to I.S.S.
- Fourth truancy will result in parent notification, an administrative conference, assignment to I.S.S., and may result in a Superintendent's Hearing to determine your future educational placement.

### **B. Full Day Truancy:**

First truancy will result in parent notification by an administrator and assignment to one day of S.O.S.

Second truancy will result in parent conference with an administrator and assignment of 1 day of I.S.S.

Third truancy will result in assignment of two days of I.S.S. and may result in a Superintendent's Hearing to determine your future educational placement.

## **H. Tardiness**

All students are expected to be in their first period class by 7:30 a.m.

Students arriving at school after 7:30 a.m. must report to the appropriate office to receive an admission form prior to reporting to class.

A student arriving after 7:30 a.m. should bring a note signed by his/her parent/guardian stating reason for tardiness. FAILURE to submit an excuse to the appropriate office within 3 school days will result in the tardiness being considered illegal.

After the 3rd illegal tardy to school the Dean of Students will contact the parent.

After the 5<sup>th</sup> illegal tardy to school the student will assign Administrative Detention.

After the 7<sup>th</sup> illegal tardy to school the student will be assigned 2 Administrative Detentions.

After the 9<sup>th</sup> illegal tardy to school the student will be assigned SOS.

A student arriving more than 20 minutes after the bell will be considered to be illegally absent for that class period, unless prior arrangements have been made between the admitting teacher and the student or if the tardiness was for a legal reason.

Students who are tardy to class during the school day without a pass may receive Administrative Detention.

## **I. Attendance Awards**

### **Blue Ribbon Attendance**

A student who has not been tardy to school and attends all classes every day school is in session will qualify for a Blue Ribbon Perfect Attendance Award at the end of the year. Students who receive ISS will not be eligible for this award.

### **Perfect Attendance**

A student who has not been tardy to school and attends all classes every day school is in session except for legal appointments that meet the criteria below will qualify for a Perfect Attendance Award. Students who receive ISS will not be eligible for this award.

Legal appointments that come during the school day will not be counted against perfect attendance if the student is present at least half a day.

It is imperative that students who arrive late due to an appointment have written verification from the health care provider. Students returning to school must report to the office before going to their class and turn in the blue release slip signed by the health care provider. If the appointment is at the end of the school day, the blue release slip should be turned into the office before 7:30am the next morning.

## **v. Extracurricular Activities**

### **A. Attendance and Extracurricular Activities**

Students involved in extra-curricular activities or in the sport program may not attend or participate in school activities on the afternoon and evening of the day that the student was under school suspension or absent from school. For a more detailed explanation, see the Interscholastic Athletics Handbook section on attendance.

### **B. Clubs**

Extra-curricular activities form an essential part of the honor and prestige of Haverling Middle School. These activities develop and strengthen interests as well as provide service to the school and community. Any student who would like information about starting a club, joining a club or activity should contact his/her guidance counselor or the advisor of the student council. Students who are involved in extra-curricular

activities are expected to follow Haverling's rule for student behavior during these events.

**C. Athletic Academic Eligibility**

We believe that our athletes, in representing our school and community, should maintain morals, actions, and deeds of the highest caliber not only on the field of athletic endeavor but also in our school, our community, and other communities as well. We feel that no student/athlete should engage in behavior, which reflects discredit upon the school, the team, and or him/herself.

In order to promote an equal balance between academics and athletic participation, we have instituted an athletic/academic eligibility policy. An overview of the policy is listed below.

The Haverling Athletic /Academic Policy is based on effort put forth by the student athlete, not just a class numerical average.

When a sport season starts, the following procedure will happen:

- Teachers will be provided team rosters within 2 weeks from the start of the season.
- Teachers will identify those student athletes lacking effort after the 1<sup>st</sup> 3 weeks of the start of the sport season.
- Teachers will then assess the efforts of the reported students on a weekly basis

**ACADEMIC PROCEDURES FOR MIDDLE SCHOOL ATHLETES (7<sup>th</sup> and 8<sup>th</sup>)**

An athlete may be placed on academic probation due to a **lack of effort** or for **failing grades**.

**LACK OF EFFORT**-referrals filled out by classroom teachers on Fridays

**One or Two referrals**-attend Learning Center (LC)/or Teacher Help Sessions (THS) M-TH 2:20-3:00 pm

- Evaluation sheet taken to the teacher on Friday - returned to the office.
- Good Evaluation = Off Probation
- Not Acceptable = LC and/or THS continues & ineligible for competition next week.

**Three or more referrals** - attend LC and/or THS & ineligible for competitions next week

- Evaluation sheet taken to the teachers on Friday & returned to the office.
- Good Evaluation in all classes = Off Probation
- One or more classes not improved = LC and/or THS continues ineligible for another week.

\*\*\*\*\*

**GRADES** - Failure list will be evaluated at the end of each 5 weeks

**Failing one or two classes-** Learning Center (LC) and/or Teacher Help Session (THS)  
M-TH – 2:20-3:00 pm

- Evaluation sheet taken to each teacher on Friday & returned to the office.
- Passing work and effort – Continue (THS) and/or LC, eligible for competitions next week.
- Not Passing or Unacceptable Effort – THS/LC & ineligible the next week

**Three or more failing grades- THS / LC & ineligible for competitions the next week**

- Evaluation form taken to teachers on Friday & returned to the office.
- Passing work & effort – continue THS/LC, eligible the next week
- Not passing or Unacceptable Effort in one or more-continue THS/LC& ineligible for next week.

Students on academic probation for grades **(at the end of each 5 weeks)** will continue to attend THS and/or LC and earn their eligibility on a weekly basis throughout the next 5 weeks. If a teacher recognizes a vast improvement in a student's average, they may sign the student off probation at anytime during the marking period.

\*Any middle school athlete playing a JV or varsity sport WILL follow the high school eligibility policy.

\*\* A week is from Monday-Saturday. Therefore a student ineligible for competitions for a week would be ineligible from Monday-Saturday. If improvement was shown, they would be off probation beginning the following Monday.

**D. Sports Currently Offered at Haverling Middle School (7<sup>th</sup>-8<sup>th</sup>)**

Listed below are the athletic activities that are currently offered:

MIDDLE SCHOOL

Boys Modified Basketball  
Girls Modified Basketball  
Boys Modified Football  
Boys Modified Soccer  
Girls Modified Soccer  
Boys Modified Lacrosse  
Wrestling

Boys Modified Baseball  
Girls Modified Softball  
Girls Modified Volleyball  
Modified Swimming  
Track and Field  
Cross- Country