

Mount Vernon City School District
CODE OF CONDUCT



2022-2023

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STUDENT BEHAVIOR

Code of Conduct

I. Introduction

The Mount Vernon Board of Education ("Board") is committed to providing a safe, supportive and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference and creating an atmosphere that demonstrates, undertakes and promotes respect of the diverse cultures and linguistic groups that forms our schools and community. Responsible behavior by students, teachers, district personnel, parents and other visitors is essential to achieving this goal. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. This Code provides a legal and procedural framework for supporting a civil, safe and positive school climate and guides decisions regarding inappropriate behavior or misconduct.

The Code of Conduct was developed to comply with the mandated Project SAVE legislation and has now been revised to comply with the new Dignity for all Students Act ("DASA"); we should all be aware of its important components. It was developed by community members and has been endorsed by staff, parent teacher organizations, student government leaders, and the Board of Education.

This 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. (Board Policy #7310)

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function in the Mount Vernon City School District, or acting under circumstances that have a direct effect on our District. (Board Policy #3410) Clearly, some rules and regulations are more appropriate for students at the secondary level than at the elementary level. It should be noted by students and parents that each school principal can develop rules, regulations and procedures in addition to those found in the Code of Conduct if such rules, regulations and procedures will meet specific building needs and if those rules do not conflict with those found in this document or with state, federal or education law.

II. Definitions (See glossary)

III. Student Rights and Responsibilities

A. Student Rights:

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

1. A free public education
2. Take part in all district activities on an equal basis subject to necessary restrictions based on health and safety regardless of race, color, creed, weight, national origin, ethnic group, religion, gender, sex, or sexual orientation, or disability.
3. Learn in a safe, supportive and orderly school environment free from harassment, discrimination, intimidation and fear that focuses on positive student behavior.
4. To be informed of the Code of Conduct of the Mount Vernon City School District each student will be given a printed copy of the Code of Conduct from the District at the start of each school year. In addition, copies of the Code of Conduct will be available to parents at the start of each school year. The Code of Conduct will be reviewed annually in conjunction with the opening of school. In addition, in accordance with 8 NYCRR 100.2, the Board of Education shall provide programs for in-service education for all District staff members to ensure effective implementation

of school policy on school conduct and discipline. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.

6. Confidentiality as provided by law.
7. Access to student records if over the age of 18 and as allowed by law.
8. To a defined procedure for student disciplinary infractions and arriving at decisions. This procedure is called "due process." Students will have a right to be told the reasons for disciplinary actions being considered and a right to present their account of the event(s) in question. Due process is designed to protect students from the arbitrary exercise of authority.
9. Freedom of expression provided such expression does not disrupt or interfere with education, discipline, or the normal activities of the school. Such freedom will not extend to libelous, slanderous, vulgar, lewd, indecent or obscene words or images or to words or images which by their very use incite others to damage property or physically injure persons.
10. Express their personal opinions in writing as long as such material is signed by the author and follows the guidelines identified in paragraph "9" above.
11. To assemble peacefully.
12. To follow personal standards of dress and grooming.
13. To use school facilities subject to the routine operating procedures set at the building level.
14. An equal opportunity to be considered for participation in extra-curricular programs and activities subject to the guidelines set forth in Board Policy #7410, Eligibility for Participation in Extracurricular Activities".

B. Student Responsibilities:

All district students have the responsibility to:

1. To contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning.
2. To show respect to other persons and to property and refrain from bullying, harassing and/or discriminating against others and to report any such conduct that occurs to a teacher or District administrator.
3. Be familiar and maintain all other behavioral guidelines outlined in the Code of Conduct and district policies, on and off school premises, at school functions, during extra-curricular activities and conduct themselves appropriately off school grounds, particularly when their conduct has the potential to endanger the health or safety of pupils within the educational system or adversely affect the educative process .
4. Attend school every day on time, unless they are legally excused, and be in class on time and prepared to learn and fulfill all course requirements at the time designated by the teacher.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. Respond to direction given by teachers, administrators, and other school personnel in a respectful, positive behavior.
7. Ask questions when they do not understand.
8. Seek in-school resources to assist with educational or personal issues that interfere with learning.
9. Read and act in accordance with this Code of Conduct.
10. Accept responsibility for personal actions as stated in this Code of Conduct.
11. Develop a consideration and mutual understanding for such differences as social, economic and cultural backgrounds and attitudes.
12. Dress appropriately for school and school functions and ensure that their dress and grooming protect the health and safety of themselves as well as other persons in school and that such dress is respectful of others and does not disrupt or interfere with the educational process.
13. 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.

14. See that any meetings on the school campus are either part of the formal educational process or authorized by the school administration. Meetings or demonstrations that interfere with the normal operations of the school or of particular classrooms are not allowed.
15. Use of school facilities in a safe manner and within the routine operating procedures. Each student must take the responsibility to help keep the school clean and orderly. Each student must see that his/her use of the schools facilities does not infringe on the rights of others to use the same facility.
16. Ensure that student organizations do not restrict membership on the basis of race, color, religion, religious practice sex, gender, national origin, sexual preference, or any other arbitrary criterion, subject to necessary restrictions. Every student organization must be sanctioned by the school administration before it can use school facilities.
17. Be aware of the steps of due process. Students should cooperate with school authorities by providing any and all information needed to make a prompt and fair decision. The formal due process steps are outlined later in this Code of Conduct.

IV. Essential Partners

All essential partners are expected to confront issues of discrimination and/or harassment or any situation that threatens the emotional and/or physical health and/or safety of any student, school employee or any person who is lawfully on school property or at a school function.

A. Parents All

parents shall:

1. Encourage and support their child's development as a learner through academic and extracurricular activities.
2. Maintain mutual respect and dignity in dealings with all other persons.
3. Call the office if their child will not be in school.
4. Know school rules and help their children understand and abide by them.
5. Be aware of student dress regulations. 6. Inform school officials of any changes in emergency contact information.

B. School Security Personnel

All School Security Personnel shall:

1. Enforce district and campus policies.
2. Inhibit and prevent criminal/dangerous activity through a visible presence and investigation.
3. Monitor buildings and parking areas for criminal and/or unauthorized activity.
4. Know floor plans, building layout and escape routes of assigned school and grounds.
5. Perform investigations as requested by school administration.
6. Develop and maintain professional relationships with parents, school administrators and supervisor.

C. Teachers

All district teachers shall:

1. Maintain a positive climate of mutual respect and dignity, free of discrimination and harassment.
2. Communicate regularly with students, parents and other staff concerning academic growth and achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Follow provisions for removal of student from the classroom.
5. Encourage student participation and academic inquiry.
6. Provide classroom assignments for students receiving suspension.
7. Communicate to students and parents:
 - a. Course objectives, requirements, deadlines.

- b. Marking/grading procedures.
 - c. Behavioral expectations for students.
8. Promptly report incidents of discrimination and/or harassment that are witnessed or brought to a teacher's attention. 9. Promptly address personal biases that may prevent equal treatment of all students in the school or classroom setting.

D. Pupil Support Services including Guidance Counselors, Social Workers, Psychologists Designated

Pupil Support Services personnel shall:

- 1. Assist students in coping with personal, social and emotional problems.
- 2. Encourage a positive school climate and discourage discrimination, harassment and bullying
- 2. Initiate teacher/student/counselor conferences as necessary.
- 3. Review with students their educational progress and career plans.
- 4. Provide information to assist students with career planning.
- 5. Encourage students to benefit from educational and extracurricular programs.
- 6. Consult with parents and provide information on human service agencies. 7. Handle all referrals of students to counseling. 8. File PINS Petitions.

The District may file 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 alcohol, any illegal substance, and/or abuse of prescription drugs in violation of penal law. A single violation will be a sufficient basis for filing a PINS petition.

E. Principals

Principals shall:

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- 2. Encourage a school environment free of harassment, bullying and discrimination.
- 3. Maintain a climate of mutual respect and dignity, encouraging a positive school climate.
- 4. Provide opportunities for students, parents and staff to meet with administrators, when possible.
- 5. Become familiar with instructional programs.
- 6. Support the development of, and encourage student participation in school-sponsored extracurricular activities.
- 7. Be responsible for enforcing the Code of Conduct promptly, consistently, and fairly. (Board Policy #7313)
- 8. Be informed of reasonable suspicion in relation to the need for a search or seizure of contraband, (as per Board Policy #7330) and determine procedures for questioning, search of lockers, students, including law enforcement involvement.
- 9. Utilize the Individual Violent or Disruptive Incident Report form to report incidents that occur in the building or program under his/her jurisdiction. (Board Policy # 3430) 10. Distribute, publicize and enforce dress codes approved by the Board of Education.

F. Superintendent

The Superintendent shall:

- 1. Promote a positive, safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Review with district administrators the policies of the Board of Education and the state and federal laws relating to school operations and management.
3. Work to create instructional programs that are sensitive to student and teacher needs, advance academic achievement, expand educational opportunities and improve school climate.
4. Inform the Board about educational trends. 5. Work with district administrators in promoting positive behavior, enforcing the Code of Conduct fairly and consistently. (Board Policy #7313)
6. Review the annual Summary of Violent and Disruptive Incidents report form submitted to the Commissioner of Education. (Board Policy# 3430)
7. 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, or any student 14 or 15 years old who qualifies for juvenile offenders' status under the Criminal Procedure Law.

G. Board of Education The

Board of Education shall:

1. Collaborate with student, teacher, administrator, parent organizations, and school safety personnel to promote a safe, positive school climate by adopting a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. 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. (Policy #3410) 3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

VI. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting and in preparation for work and career goals. Each school may adopt a more restrictive dress code through the Board of Education approval process.

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

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Completely cover all undergarments at all times.
3. Include footwear that is not a safety hazard, worn at all times.
4. Not include revealing clothing such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through material.
5. Not include wearing hats or head coverings in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, weight, religion, religious practice, national origin, ethnic group, sex, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or any illegal substance and/or abuse of prescription drugs and/or encourage illegal or violent activities.
8. Not include jewelry that can be dangerous, such as spiked bracelets or neck collars.
9. Not disrupt the educational process, as determined by the Building Principal or his/her designee.
10. Gang paraphernalia or dress is strictly not permitted.

These examples are for illustrative purposes only, and the principal or his/her designee shall have the authority to determine what constitutes clothing that is appropriate for school.

Each building principal or his/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. The principal shall enforce and promote enforcement of the dress code in order to maintain a safe and orderly environment conducive to learning.

Students who violate the dress code shall be required to immediately 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.

VI. Student Conduct

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with mutual respect and dignity, and with proper regard to 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. Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior.

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. Off Campus conduct may be subject to school discipline should the District determine in its discretion that such conduct has a nexus to school activities.

The rules of conduct that follow are intended to do that and focus on safety and respect for the rights and property of others. Students may be subject to disciplinary action, up to and including suspension from school, when they exhibit inappropriate conduct.

There are four levels of Student Conduct governed by this Code of Conduct: The violations and consequences detailed below for each level provide a framework for the principal or his/her designee's response to the violations of the Code of Conduct. Because no framework can account for all of the potential details or circumstances related to an instance of misconduct, the framework is meant to serve as a guide, and the principal or his/her designee shall use appropriate discretion to determine the appropriate consequence for a violation. Nothing contained within this framework is meant to limit or otherwise restrict the principal or his/her designee from assigning a particular consequence to a violation (including assigning a consequence from a higher level to a violation listed at a lower level), as deemed appropriate by the principal or his/her designee.

Level I: Conduct that is Insubordinate/Inappropriate Conduct

Level II: Conduct that is Disorderly/Disruptive

Level III: Conduct that Endangers the Morals, Health and Welfare of Students and Staff
Level IV: Conduct that is Violent/Dangerous

LEVEL I: Insubordinate/Inappropriate Conduct

Level 1 infractions may occur anywhere in the school, including classrooms, cafeteria, library, hallways, auditorium, on school grounds or at any school function on or off school grounds. This conduct can be addressed by teachers and any other school personnel.

- Students must comply with reasonable directions of teachers, administrators or other school employees in charge of students.
- Students may not demonstrate disrespect to any other persons
- Students must identify themselves by name to staff member upon request.
- Students may not miss or leave school or any class without permission, or skip detention.
- Students may not leave lunchroom or other assigned areas without a pass or permission.
- Lying to school personnel is not allowed.
- Students must comply with school and classroom rules.

- No gambling or playing games of chance for money or valuables. No running in hallways, stairways or school buildings.
- No trespassing; students are not permitted in any building, other than the one they attend, without permission.
- No trespassing on school grounds when under suspension or expulsion.
- Lateness or absence from school, class or activities must be excused (see glossary); excessive lateness is prohibited.
- Cheating, plagiarism and/or academic misconduct is prohibited. This includes, but is not limited to: inappropriate use of electronic devices to cheat, send information, or aid performance; copying; test theft; altering records; assisting another student in any of the above actions.
- Students may not display and/or use cell phones, pagers, iPods and/or other electronic devices from the time students arrive at school and until the end of the regular school day.
- Students must turn off all personal electronic devices and store them until the end of the school day. In case of an emergency, the use of these electronic devices may be permitted by school administrators.

Examples of insubordinate conduct include:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Unexcused lateness, absence, missing or leaving school without permission. • Skipping detention.

Required Responses to Level I Conduct Violations:

- Verbal communication
- Classroom management
- Other appropriate actions designed by the school to address the infraction

Additional Responses

- Responses for each subsequent offense will be progressively more serious
- Lunch/recess detention
- After school detention for repeat offenses
- Parent notification/parent conference
- Administrative notification/intervention if necessary
- Referral to pupil support (counselors, guidance, etc.)

LEVEL II: Conduct that is Disorderly/Disruptive

Level II includes infraction of a more serious nature or a continuance of Level I misconduct. This can include student acts that interfere with orderly educational process in the classroom or in the school. Can be addressed by teacher and any other school personnel.

Examples of prohibited behaviors in school, on school grounds, at school-related functions, including school athletic events at all sites:

- Language or gestures that are profane, lewd, vulgar or abusive; cursing or swearing.
- Noise or producing noise levels that disrupt the education of students (except medical disability).
- Unacceptable use of cell phones or other electronic communication devices.
- Student dress code violated (not appropriate: see-through, plunging necklines front/back, tube tops, net tops, halter tops, spaghetti straps.) Underwear must be covered with outer clothing. No hats, no bandanas or head cover in classroom (except medical/religious).
- Clothing cannot promote alcohol, tobacco, any illegal substance and/or abuse of prescription drugs; cannot encourage gang activity or other illegal/violent activities. Items cannot be vulgar, obscene, libelous or denigrating to others.
- Obstructing vehicular or pedestrian traffic.
- Computer/electronic communications misuse, including any inappropriate or unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy. • Taking pictures and/or transmitting

photos/graphics/videos or representations of any unclothed or partially clothed person exposing private parts

Required Responses to Level II Conduct Violations:

- Classroom management
- Teacher removal of student from classroom
- Written referral to administrator and student/teacher conference
- Parent phone contact
- Written notification to parent within 24 hours

Additional Responses

- Responses for each subsequent offense will be progressively more serious
- Loss of computer privileges
- Detention
- In-house suspension
- Exclusion from extracurricular activities
- Referral to pupil support (counselors, guidance, etc.)
- Behavior contract/growth plan
- Transportation privileges suspended
- Out of school suspension

Level III: Conduct that Endangers the Morals, Health and Welfare of Students and Staff

Infractions in Level III are very serious and substantially interfere with the educational environment. Addressing this conduct requires the cooperation of teacher and administration.

Examples of prohibited behaviors (see glossary for definitions) in school, on school grounds, at schoolrelated functions:

1. Bullying in any form such as:

- physical (hitting, kicking, spitting, pushing, taking personal belongings);
- verbal (taunting, malicious teasing, name calling, making threats); and,
- psychological (spreading rumors, manipulating social relationships, or engaging in social exclusion, ostracism, extortion, or intimidation).
- Cyberbullying (also known as virtual bullying) is the willful and repeated harm (includes tormenting, threats, harassment, humiliation) to a person through electronic means such as cell phone, computer, other devices. Inappropriate, bullying, threatening or illegal behavior through the use of an electronic/digital device, including cell phone, text message, wireless communication device, computer, laptop, pager, walkie talkie, e-mail, instant message, chat room, electronic bulletin board, web log and other means of wireless or wired communication occurs when a student or otherwise targeted by another student using the Internet, interactive and digital technologies or mobile phones.
- Harassment (as defined herein).
- Sexual harassment.
- Intimidation/menacing.
- Hazing.
- Fighting/physical contact.
- Selling, using or possessing obscene material.
- Stealing property of students, school personnel or other person on school property or at schoolrelated functions.

- Defamation (includes making false representations about a person or group of persons that harm their reputation or demean the group.)
- Indecent exposure.
- Any electronic activity that interferes with the operation of the school or maintenance of order with respect to staff and/or students, or adversely affects the safety and well-being of a student while in school is considered inappropriate.
- Use of any tobacco product, including cigarettes, cigar, "blunt", pipe, snuff, chewing or other smokeless tobacco.
- Possessing, consuming, selling, distributing or exchanging a beverage with alcoholic content or being under the influence of any alcoholic beverage.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, synthetic cannabinoids, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs." (Board Policy# 7320)
- Possessing, consuming, selling, distributing or exchanging any prescription medication.
- Students may not push, shove, make excessive noise, curse/swear or fight while on a school bus or other school mode of transportation. Appropriate behavior while riding on district buses is important for safety and to avoid distracting the bus driver.
- Gang-related activities.
- False report of fire, bombs, or other type; misuse of 911 or discharging fire extinguisher.
- Inappropriately using or sharing prescription and over-the-counter drugs. • Repeatedly, substantially disruptive: four "teacher removals from the classroom" per semester.

Required Responses to Level III Conduct Violations:

- Classroom management
- Teacher removal of student from classroom
- Written referral to administrator
- Student/teacher conference
- Parent phone contact
- Written notification to parent within 24 hours
- Required conference with administrator, student, parent and teacher
- Suspension for 1-5 school days per occurrence
- Superintendent's hearing for repeat offenses

Additional Responses

- Responses for each subsequent offense will be progressively more serious
- Loss of computer privileges
- Detention
- In-house suspension
- Exclusion from extracurricular activities
- Referral to pupil support (counselors, guidance, etc.)
- Behavior contract/growth plan
- Out of school suspension
- Transportation privileges suspended
- Alternative education program
- Notify police department and SRO

Level IV: Violent/Dangerous Conduct

Dangerous and/or violent infractions will not be tolerated and call for the most serious disciplinary procedures. This requires immediate removal from schools and notification to police. (Board Policy # 3412)

Examples of prohibited behaviors in school, on school grounds, at school-related functions, including school athletic events at all sites:

- Committing an act of violence causing bodily harm (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, or a student, or attempting to do so.
- Possessing 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. (Board Policy #3411, #7360)
- Displaying what appears to be a weapon (see glossary for definition.)
- Threatening to use any weapon.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- Possession, use or threats to use an explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death. • Intentionally damaging or destroying school district property.

Required Responses to Level IV Conduct Violations:

Suspension for 5 days

Superintendent Hearing

VII. Metal Detectors in School Buildings

It is the policy of the Board to promote the health and safety of students within the school setting and to provide a school environment conducive to education. In order to implement that policy objective, the Board of approves the use of metal detectors in public school facilities as a measure of deterrence and detection of the possession of weapons and other dangerous objects in school facilities. The guidelines for use of metal detectors have been adopted in an effort to forestall and prevent future incidents of possession by students of weapons and other dangerous objects in school facilities and have been structured for the purpose of enhancing the security of school facilities, while protecting the constitutional rights of our students.

VIII. 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/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. Students should report to an administrator if they hear students verbalizing intent to harm themselves or others.

Students, who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against or other students or staff who observes bullying, harassing and/or discriminating behavior are encouraged and expected to submit a verbal and/or written complaint to a District staff member.

All students, faculty, and/or staff who observe the harassment or intimidation of students, or who become aware of the harassment or intimidation of students, shall report this information immediately to the building

principal or his/her designee and/or the Dignity Coordinator of each building. The principal or his/her designee shall investigate the report of harassment or intimidation and shall take appropriate disciplinary action. Consistent with the district's policy on Dignity for All Students Act, students and faculty/staff who have a reasonable cause to suspect that a student has been subjected to intimidation or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

All faculty and staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, 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/her designee must notify the Superintendent and appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his/her designee learns of the violation. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

IX. Disciplinary Procedures, Penalties & Referrals

A. Procedures and Referrals

Each school's objective is to educate students to make appropriate choices in their school and personal lives. It is important that students develop proper habits that reflect character and integrity. When students do misbehave, discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the student's ability to grow in selfdiscipline.

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 review the following:

1. The student's age and /or grade level
2. The nature of the offense and the circumstances which led to the offense
3. The student's prior disciplinary record
4. The effectiveness of other forms of discipline
5. Information from parents, teachers and/or others, as appropriate
6. Status if classified by the Committee on Special Education
7. Other extenuating circumstances

When appropriate, discipline will be progressive. However, there will be exceptions when progressive discipline is not appropriate. This means that a student's first violation may merit a lighter penalty than subsequent violations. However, depending on the circumstances this may not apply.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

Disciplinary and Remedial Consequences for Bullying, Harassment and/or Discrimination

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and/or discrimination of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation.

Remedial responses to bullying, harassment and discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act.

Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration
- Peer support groups
- Corrective instruction or other relevant learning or service experience
- Changes in class schedule
- Supportive intervention
- Behavioral assessment or evaluation
- Behavioral management plans, with benchmarks that are closely monitored
- Student counseling
- Parent conferences

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Parent education seminars/workshops
- Peer support groups

If appropriate, disciplinary action will be implemented in accordance with the provisions of this Code. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Staff is expected, when aware of bullying, harassment and/or discrimination, to refer the student to designated resources for assistance and/or intervene in accordance with the provisions of this Code.

B. Specific Penalties

Teacher Disciplinary Removal of Disruptive Students (Level II Infraction)

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 take a "time-out" in the classroom to give the student an opportunity to regain his or her composure and self-control, or asking a Guidance Counselor to

see the student. 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 substantially disruptive student from class for up to two days. (Board Policy #3410) The removal from class applies to the class of the removing teacher only. On the elementary level this applies to the specific subject area only.

If the disruptive student does not pose a danger or on-going 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 a student poses a danger or ongoing threat of disruption, the teacher may remove the student immediately. The teacher must within 24 hours, 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.

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 forms.

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

The principal or designee shall require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the teacher or the principal 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 designee may reverse the removal of the student only 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.

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

Any disruptive student removed from the classroom shall be offered, by the removing teacher, equivalent instructional material until he or she is permitted to return to the classroom. Each teacher must keep a file containing a copy of each Student Removal form.

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 (CSE) that the removal will not violate the student's rights under state or federal law or regulation.

Any student removed by a classroom teacher on four or more occasions during a semester for substantial disruption of the educational process or for substantially interfering with the teacher's authority over the classroom, shall be referred to Pupil Personnel Services, and shall be subject to a minimum suspension period of 5 days. The Principal or designee may reduce such suspension period on a case by case basis, consistent with state and federal law.

Suspension from School

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

Any staff member may refer a student to the administrator for disciplinary action. All staff members must immediately report and refer a violent student to the Principal for a violation of the Code of Conduct.

Referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member referring the student.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

The principal, upon receiving a referral, or when processing a case for suspension shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary. In-school suspension may be utilized, as determined by the Principal or designee. A student attending in school suspension is considered present for attendance purposes, and can help the student continue educational activities.

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

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five school days. In the absence of the Principal, the designated acting Principal may suspend a student for five days or less.

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged for five days, the student shall be provided with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent/guardian in writing that the student may be suspended from school. The written notice shall be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/persons in parental relation. 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/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the parents/person in parental relation of their right to request an immediate informal conference with the principal. Both the notice and informal conferences shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student

and/or parent shall be permitted to present the student's version of the event and to ask questions of complaining witnesses.

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

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the Code of Conduct and a minimum suspension period.

The BOCES Principal may suspend Mt. Vernon City School District students from BOCES classes for a period not to exceed 5 school days when student behavior warrants such action.

2. Long-term (more than 5 days) suspensions 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 parent/guardian 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 and other evidences on his or her behalf.

Should the basis for suspension relate to the possession of a firearm, rifle, dagger, shotgun, or any weapon or instrument specified in Penal Law Section 265.01 on school property, the Superintendent or hearing officer shall not be barred from considering the admissibility of such weapon as evidence, regardless of any determination by a court in a criminal or delinquency proceeding that the recovery of such weapon was the result of an unlawful search or seizure.

Appeal of Superintendent's Decision:

If the student and/or parents/guardians disagree(s) with the decision of the Superintendent, he/she (they) have the right to appeal the decision to the Board of Education. Such appeal must be in writing and should include the reason(s) why he/she (they) believe the appeal should be granted. The appeal must be submitted within thirty (30) calendar days of the date of the Superintendent's decision to:

President, Board of Education c/o
District Clerk
Mount Vernon City School District
165 North Columbus Ave
Mount Vernon, NY 10553

The Board of Education will conduct a thorough review of the record to include: o

- o The transcript (recording) of the Superintendent's Hearing;
- o The report and recommendations of the Superintendent or designated hearing officer and all exhibits submitted at the hearing;
- o The written request for appeal.

*Note: The record does not include any other information and/or documentation which was not introduced at the hearing or used in determining whether to suspend the student.

Parents/guardians requesting a Board of Education appeal of the Superintendent's decision shall be provided with a written transcript or audio copy, whichever is available, of the Superintendent's Hearing within ten (10) school days after the transcript is available in the District. Parents/guardians will also be provided with a written response from the District Clerk advising parents of the date that the Board of Education will conduct the appeal in executive session. During the appeal process, parents shall not contact the Superintendent or Board of Education members regarding this matter. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the decision. If the student and/or parent/guardian disagree with the final written decision of the Board of Education, an appeal can be made to the Commissioner of Education. Such appeal must be in writing and submitted within thirty (30) calendar days of receipt of the Board of Education's decision by writing to the Commissioner of Education.

X. Referrals for Further Intervention

1. Counseling

Faculty and staff shall partner with school counselors, social workers, and/or school psychologists to make referrals for counseling support when appropriate.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. 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.
- c. Knowingly and lawfully possesses drugs in violation of penal law 221.05. A single violation of 221.05 will be sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders The Mount Vernon City School District Superintendent may refer the following students to the County Attorney delinquency proceeding before the Family Court.

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

The Superintendent may refer students ages 16 and older or any student age 14 with juvenile offender status to the appropriate law enforcement.

4. Child Protective Services

All legally mandated reporters are required by law to report suspected child abuse or neglect, including educational neglect to the Child Protective Services.

XI. Alternative Instruction

When a teacher removes a student of any age from class, 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 in accordance with Education Law §3214. However, once a student is no longer of compulsory age, it shall be in the District's discretion whether to provide such alternative education to the student.

XII. 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 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 and the Committee on Special Education (CSE.) 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 nondisabled students.

For suspensions or removals up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age. If the suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than 10 consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than 10 school days in a year, a manifestation determination must be made. (Board Policy #7313)

School personnel may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates the Code of Conduct.

A principal may suspend a student identified as having a disability for a short-term (5 school days or less) in the same manner as he/she may suspend non-disabled students. In addition, the Superintendent may order the placement of a student with a disability into an Interim Alternate Educational Setting ("IAES"), which setting may include home instruction, for up to ten (10) days, inclusive of any period in which the student has been suspended or removed by the Principal for the same behavior, if the Superintendent determines in accordance with the procedures set forth in Education Law Section 3214 that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time nondisabled students would be subject to suspension for the same behavior.

A student identified as having a disability or is presumed to have a disability, as provided for in Part 200 of the rules and Regulations of the Commissioner of Education and/or a student identified as having a physical or mental impairment which substantially limits one or more major life activities pursuant to §504 of the Rehabilitation Act of 1973 ("504") or American with Disabilities Act ("ADA"), who is suspended for a period in excess of five school (5) days is entitled to a hearing in accordance with Education Law §3214.

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

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

The following rules shall apply before any disciplinary penalty may be imposed at a hearing for a student identified as having a disability or who is presumed to have a disability:

§504/ADA Disability

For a student solely with a disability under §504 or the ADA, the §504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was related to the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date shall be expunged, except in cases where the student has been found guilty of possession of a weapon and/or serious bodily injury. In such cases, the student may be placed in an IAES for a period of up to forty-five (45) days, as more fully set forth below in "Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury."
2. If no nexus is found, discipline may be imposed upon remand to the Superintendent or designated hearing officer pursuant to Education Law §3214.

Individuals with Disabilities Education Act (IDEA Disability)

Before any change in placement, i.e. suspension in excess often (10) days, may be made for students classified as having a disability or presumed to have a disability, as provided for in Part 200 of the Rules and Regulations of the Commissioner of Education, a Manifestation team, composed of members of the District's Committee of Special Education ("CSE") must make a determination as to whether the conduct was a manifestation of the student's disability (or presumed disability).

A series of suspensions that are each ten (10) days or fewer in duration may create a pattern of exclusions that constitutes a disciplinary change in placement if they cumulate to more than ten (10) school days in a school year. That determination will be made on a case-by-case basis in accordance with applicable laws. Among the factors to be considered in making this determination is the length of each suspension, whether the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, the proximity of the suspensions to one another and the total amount of time the student has been excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. The parent or guardian of the child has expressed in writing to supervisory or administrative personnel of the appropriate education agency or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The parent of the student has requested an evaluation of the student; or
3. A teacher of the student or other personnel of the District has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the District in accordance with the District's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, if, as a result of receiving the information specified above:

1. The parent of the student has not allowed a relevant evaluation of the student by the Committee on Special Education ("CSE");
2. The parent of the student has refused services; or
3. It was determined by the CSE or Committee on Preschool Special Education ("CPSE") that the student is not eligible as a student with a disability; pursuant to 200.4 or 200.16 of the Regulations of the Commissioner of Education.

Manifestation Determinations

A Manifestation Team, which shall include a representative of the school District knowledgeable about the student and interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the school District. The parent must receive written notification within a reasonable time prior to any manifestation team meeting to ensure that the parent has an opportunity to attend. The notification shall inform the parents(s) of the purpose of the meeting, the names of the individuals expected to attend, and shall inform the parent(s) their right to have relevant members of the CSE participate at the parent's request.

1. When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:
 - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The conduct in question was a direct result of the school District's failure to implement the IEP.

If either of the aforementioned criteria listed as "a." and "b." above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability.

When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement (or modify) a behavior intervention plan in accordance with 8 NYCRR §201.4(d)(2)(a).

If the CSE meets to consider a change in placement in conjunction with the manifestation determination, prior written notice of such meeting must be provided to the parent(s) in a reasonable time before the meeting.

Discipline of Students with Disabilities when the Manifestation Team has made an Affirmative "Manifestation Finding"

When a disabled student's conduct is determined to be a manifestation of the child's disabling condition, such student may only be suspended from school for more than ten (10) consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and Behavior Intervention Plan and the parent, guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 8 NYCRR 201.8 is obtained.
3. The violation involves weapons, drugs/controlled substances or serious bodily injury.

Suspensions for Misconduct involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or suspected of having a disability may be suspended and placed in an Interim Alternative Educational Setting ("IAES"), which may include home instruction, for up to forty-five (45) school days (less if the discipline for a non-disabled student would be less), if the student is found guilty of:

1) carrying or possessing a weapon while at school, on school property or while at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance while at school, on school premises or while at school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. In accordance with law, the term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length."
2. In accordance with law, the term "illegal drugs" means controlled substances and cannabis but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal Law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
3. In accordance with law, the term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team or 504 multidisciplinary team must conduct a meeting to determine whether such conduct is related to the student's disability placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.

1. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing plan for modification; and
2. The CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Expedited Due Process Hearings

An expedited due process hearing shall be conducted in the manner specified by 8 NYCRR 201.11 of the Commissioner's regulations, 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.

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 student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

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 extensions.

Discipline of Students with Disabilities when the Manifestation Team has made a "No Manifestation Finding"

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations which must be performed, changes to a student's IEP and/or to recommend an appropriate IAES where the child

can continue to receive educational services, although in another setting, that enable the child to participate in the general education curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction. Where a suspension or disciplinary change in placement will exceed 10 school days, the CSE shall conduct a functional behavioral assessment and implement or modify a behavior intervention plan, as well as implement modifications intended to avoid a recurrence of the behavior.

Referral to Law Enforcement and Judicial Authorities

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

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

The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XIII. Inspection, Search, Investigation, Interrogation

The Board of Education is committed to ensuring a safe and orderly atmosphere on school property and at school functions. Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a District employee only when the employee has reasonable suspicion to believe the student is engaging in an illegal activity or an activity in violation of school rules or the Code of Conduct. (Board Policy #7330)

School officials acting alone and on their own authority, without the involvement of law enforcement officials are not required to give any sort of "Miranda" -type warning before questioning students. School officials will tell all students why they are being questioned. The questioning of students by school officials does not preclude questioning by police authorities as permitted by law.

Factors to be considered in determining whether reasonable suspicion exists to search a student include the age of the student, the student's record and past behavior, the seriousness of the problem in the school, and the urgency to conduct a search without delay. (Board Policy #7330)

If there is reasonable suspicion that a student possesses a weapon, a District employee is permitted to search that student. School security should be consulted, where possible, to maintain safety.

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may inspect and/or search student lockers, desks and other school storage places at any time without prior notice to students and without student consent. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. (Board Policy #7330)

Personal Searches

A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever an authorized school official has reasonable grounds for suspecting that the student has violated or is violating either the law or the rules of the school. Measures adopted for such a search will be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Searches will be limited to the extent necessary to locate the evidence or contraband that is sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

If a patdown of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present when feasible.

If extreme emergency conditions require a more intrusive search of a student's person, such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or his/her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

A personal search must be promptly documented by authorized school official. The report must include the name and title of the person who conducted the search; name, age and grade of the student searched; reason for the search; name of informant, if the search was based on information; purpose of the search; witnesses, if any; time and location of the search; what was found during the search; disposition of any items found; time and summary of parental notification. The Building Principal or Principal's designee shall be responsible for the custody, control and disposition of any items taken from a student. Each item shall be labeled. The Principal or designee shall be responsible for delivering dangerous or illegal items to law enforcement/police.

XIV. Corporal Punishment is Prohibited

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. (Board Policy #7350)

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

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

Whenever a school employee uses physical force against a student, the employee shall, within the same school day, make a written report to the Superintendent describing in detail the circumstances and nature of the action taken. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations. (Board Policy #7350)

XV. Dissemination and Review

A. Dissemination of the Code of Conduct

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

1. Posting the complete Code of Conduct on the District website, including any annual updates and other amendments to the Code;
- 2) Providing copies of a summary of the Code of Conduct to all students in an age-appropriate version, written in plain language, and reviewing the Code of Conduct at a school assembly to be held at the beginning of each school year;
- 3) Providing a plain language summary of the Code of Conduct to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;

- 4) Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- 5) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Level II:	Disorderly/Disruptive Conduct	Disciplinary Responses
Level I:	Insubordinate/Inappropriate Conduct	Disciplinary Responses

<p>Level 1 infractions may occur anywhere in the school, including classrooms, cafeteria, library, hallways, auditorium, on school grounds or at any school function.</p> <p>Can be addressed by teachers and any other school personnel. R=Reportable to 'ADIR.</p> <p>A. Students must comply with reasonable directions of teachers, administrators or other school employees in charge of students</p> <p>B. Students must comply with school, classroom rules.</p> <p>C. Students may not demonstrate disrespect to school staff. Students must identify self to staff member upon request.</p> <p>D. Students may not miss or leave school or any class without permission, or skip detention.</p> <p>E. Students may not leave lunchroom or other assigned areas without a pass or permission.</p> <p>F. Lying to school personnel is not allowed.</p> <p>G. No gambling or playing games of chance for money or valuables.</p> <p>H. No running in hallways, stairways or school buildings.</p> <p>I. No trespassing; students are not permitted in any building, other than the one they attend, without permission.</p> <p>J. No trespassing on school grounds when under suspension or expulsion.</p> <p>K. R Students may not display and/or use cell phones, pagers, iPods and/or other electronic devices from the time students arrive at school and until the end of the regular school day.</p> <p>L. Cheating, plagiarism prohibited</p> <p>M. Lateness to school, class or activities must be excused or is a</p> <p>N.</p>	<p>Required Disciplinary Responses</p> <ul style="list-style-type: none"> • Oral • Classroom management • Other appropriate actions designed by the school to address the infraction <p>Additional Responses</p> <ul style="list-style-type: none"> • Responses for each subsequent offences will be progressively more serious • Lunch/recess detention • After school detention for repeat offenses • Parent notification/parent conference • Referral to pupil support (counselors, guidance, etc.) • Administrative intervention if necessary • Other appropriate actions designed by the school to address the infraction
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<p>Prohibited behaviors in school, on school grounds, at school related functions, including school athletic events at all sites:</p> <p>Can be addressed by teachers and any other school personnel. R=Reportable to VADIR.</p> <p>A. Language or gestures that is profane, lewd, vulgar or abusive. R (threshold)</p> <p>B. Noise or producing levels that disrupt the education of students (except medical disability).</p> <p>C. Unacceptable use of computers, cell phones or other electronic communication devices.</p> <p>D. Inappropriate/unauthorized use of computers, software, internet/intranet, websites.</p> <p>E. Student Dress Code (not appropriate: seethrough, plunging necklines front/back, tube tops, net tops, halter tops, spaghetti straps). Underwear must be covered with outer clothing. Not hats, bandanas or head cover in classroom (except medical/religious).</p> <p>F. Clothing cannot promote alcohol, tobacco, illegal drugs; cannot encourage other illegal violent activities. Items cannot be vulgar, obscene, libelous or denigrating to others.</p> <p>G. Taking or transmitting photos/graphics/videos or representations of any unclothed or partially clothed person exposing private parts.</p>	<p>Required Disciplinary Responses</p> <ul style="list-style-type: none"> • Classroom management • Teacher removal of student from classroom • Written referral to administrator • Student/teacher conference • Phone contact with parent • Written notification to parent within 24 hours <p>Additional responses</p> <ul style="list-style-type: none"> • Responses for each subsequent offense will be progressively more serious • Loss of computer privileges • Detention • In-house suspension • Exclusion from extracurricular activities • Written notification to parent within 24 hours • Referral to pupil support (counselors, guidance, etc.) • Behavior contract/growth plan • Transportation privileges suspended • Out of school suspension
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Level III: Disorderly/Disruptive Conduct	Disciplinary Responses
<p>Infractions in Level III are very serious and substantially interfere with the educational environment.</p> <p>Requires cooperation of teacher and administration.</p> <p>R=Reportable to VADIR.</p>	
<p>Prohibited behaviors in school grounds, at school-related functions:</p> <p>A. Bullying R</p> <p>B. Harassment R</p> <p>C. Sexual harassment R D. Intimidation/menacing R</p> <p>E. Hazing R</p> <p>F. Fighting/physical contact R</p> <p>G. Selling, using or possessing obscene material R</p> <p>H. Stealing property of students R</p> <p>I. Defamation (includes making false representations about a person or group of persons that harm their reputation or demean the group.) R</p> <p>J. Indecent exposure</p> <p>K. Cyberbullying through electronic/digital means such as cell phone, computer, other devices R</p> <p>L. Use of any tobacco product, including cigarettes, cigar, "blunt", pipe, snuff, chewing or other smokeless tobacco</p> <p>M. Possessing, consuming, selling, distributing or exchanging beverage with alcoholic content or being under the influence of any alcoholic beverages R</p> <p>N. Possessing, consuming, selling, distributing or exchanging any illicit or prohibited substance that can include, but is not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, designer drugs, lookalike drugs, and other substances as defined by NYS law, or being under</p>	<p>Required Disciplinary Responses</p> <ul style="list-style-type: none"> • Classroom management • Teacher removal of student from classroom • Written referral to administrator • Student/teacher conference • Phone contact to parent • Written notification to parent within 24 hours • Required conference with administrator, student, parent and teacher • Suspension for 1-5 school days per occurrence • Superintendent's hearing for repeat offenses <p>Additional responses</p> <ul style="list-style-type: none"> • Responses for each subsequent offence will be progressively more serious • Loss of computer privileges • Detention • In-house suspension • Exclusion from extracurricular activities

<p>O. the prohibited substance R</p> <p>Possessing, consuming, selling, or</p> <p>P. exchanging medication by the district as provided policy R</p> <p>Behavior while on a school bus: shove, fight R</p> <p>Q. students may not push, fight R</p> <p>R. Gang-related activities</p> <p>False report of fire, R other R</p> <p>type; misuse of bombs, or</p> <p>discharging fire 911 or extinguisher</p>	<ul style="list-style-type: none"> • Referral to pupil support (counselors, etc.) • Behavior guidance, t/growth plan • Out school suspension • Transportation privileges suspended • Alternative education program • Notify police department and SRO
<p>Level IV: Violent/Dangerous Conduct</p>	<p>Disciplinary Responses</p>

<p>Level IV infractions will not be tolerated and call for the most serious disciplinary procedures.</p> <p>This requires immediate removal from schools and notification to police. rtable to VADIR.</p> <p>Prohibited behaviors in school, on school grounds, at school related functions:</p> <p>Prohibited</p> <p>A. Student may not commit an act of violence upon another student staff member, school employee or other person lawfully on school property. Includes hitting, kicking, punching, scratching, etc. R</p> <p>B. C. Possession of a weapon or weapons or display of what appears to be a weapon or threats to use a weapon. R</p> <p>D. It is illegal for students to possess, use or threaten to use a rifle, pistol, handgun, shotgun, air gun (including BB guns), spring gun, or other firearm (even with valid New York State firearm permit.) R</p> <p>Students may not possess, use or threaten to use nunchaku (or Karate sticks), stun gun, switch blade knife, gravity knife, dagger, billy, blackjack, or metal knuckles, or similar devices or instruments. R</p> <p>E. Students may not possess, use or threaten to use an explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death. R</p> <p>F. Graffiti, arson or other damage or destruction of school property is not allowed. R (if suspension)</p> <p>G. Damaging or destroying the personal property of another person is not allowed, including graffiti or arson. R (if applicable)</p>	<p>Required Disciplinary Responses</p> <ul style="list-style-type: none"> • Classroom management • Teacher removal of student from classroom • Written referral to administrator • Student/teacher conference • Phone contact with parent • Written notification to parent within 24 hours • Required conference with administrator, student, parent and teacher • Suspension for 1-5 school days per occurrence • Superintendent's hearing for repeat offenses <p>Additional responses</p> <ul style="list-style-type: none"> • Responses for each subsequent offense will be progressively more serious • Loss of computer privileges • Detention • In-house suspension • Exclusion from extracurricular activities • Referral to pupil support (counselors, guidance, etc.) • Behavior contract/growth plan
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- Out of school suspension
- Transportation privileges suspended
- Alternative education program
- Notify police department and SRO

Mt. Vernon City Schools-Code of Conduct

Glossary of Terms

Alcohol Use, Possession, Sale, and Distribution: It is prohibited to consume or possess alcoholic beverages/substances on school property, including having such substance on a person or in a locker or desk, backpack, vehicle, or personal space. Sale, distribution or exchange of alcohol on school property or in schoolowned vehicles is not allowed.

Arson: Arson is defined as deliberately starting a fire by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, with the intent to damage or destroy property of any sort.

Assault with Physical Injury: Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, is in violation of the school district code of conduct. Physical injury means impairment of physical condition or substantial pain, and includes, but is not limited to: black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain would include, but is not limited to, severe headaches, joint, or muscle pain.

Assault with Serious Physical Injury: It is a violation of the district code of conduct to intentionally or recklessly cause serious physical injury to another person, with or without a weapon. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement. Serious physical injury could include protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Bomb, Explosive Material: This category of materials includes incendiary or explosive materials or devices or other dangerous materials that can cause physical injury or death.

Bomb Threat: A bomb threat is defined as a telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property, including school bus.

Bullying: Bullying is understood to be an aggressive activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying includes threatening, stalking, name-calling, with the intent to harm, hurt or upset another person. This can be verbal or physical, and may include intimidation through the use of epithets or slurs, pictures, graphic representations, gossip, rumors or impersonation. Cyber bullying is defined as the use of communication and/or electronic devices such as cell phones, digital tablets, PDAs or computers for the purpose of name- calling, intimidation, threats, ostracism, defamation, harassment or other negative intent.

Computer Use, Inappropriate: School computers are for educational purposes and can only be accessed under the conditions set by the District. They are not to be used for viewing, sending or receiving: racist, obscene or lewd content; threats, intimidation, harassment or bullying messages. Students cannot install or remove programs except as directed by staff.

Cyber Bullying: Use of communication and electronic devices such as cell phones or computers for the purpose of bullying, intimidation, embarrassment, harassment, threatening, ostracism, defamation, harassment or other negative intent is known as cyber bullying.

Defamation: Defamation is defined as demeaning or harming the reputation of a person or group of persons, including making false representations or derogatory conclusions about a person or group of persons, and may include slurs or epithets.

Dignity Act Coordinator means at least one (1) employee designated in every school who is instructed in the provisions of DASA and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

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 impairment or (c) a condition regarded by others as such an impairment provided, however, that in all provisions of this Code 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]).

Dress Code: Students must cover their underwear with outer clothing while in school, at school events or on school property. Private parts must always remain covered. No hats, bandannas or head coverings are permitted in classrooms except for medical/religious purposes. Items such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines, see-through attire are not allowed. Items of clothing, including head coverings, cannot depict or promote alcohol, tobacco or illegal drugs and cannot encourage illegal or violent activities. Items of clothing, including head coverings, cannot be vulgar, obscene, libelous or denigrating to others.

Drug Use, Possession, or Sale: The District strictly prohibits the use, sale, distribution, or possession of a controlled substance on school property, including having such substance on a person or in a locker or desk, backpack, vehicle, or other space. "Controlled substance" includes but is not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant drug, any depressant drug and other substances identified in NYS penal code as controlled. Prescription medication is subject to school medication policies. The unauthorized use, possession, exchange or sale of prescription medications is prohibited. Alcohol, tobacco and tobacco products are not in this category.

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 nine B 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]).

False Alarm: Students may not falsely or maliciously activate a fire alarm, falsely report a fire, bomb, or falsely activate other disaster alarm.

Fighting: Altercations involving physical contact are defined as fighting. This may include striking, shoving, choking, kicking or subjecting another person to unwanted physical contact, or throwing an object at another person.

Gang-Related Activities: Gangs are organized groups characterized by turf concerns, symbols, special dress, and/or colors. Gang activities include organizing, recruiting, initiation rites, intimidation; gang-related conflicts based on rivalry, territory, membership, hierarchy. Vandalism or robbery might be part of an initiation, and are strictly prohibited by the District.

Gender means actual or perceived sex and includes a person's gender identity or expression.

Graffiti: The marking, physical damage or defacing of school property with marker, paint, or other product is not allowed by the District.

Harassment: 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]).

Hazing: Hazing includes any intentional or reckless act directed at another person for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team. Hazing activities cause mental or physical discomfort, embarrassment, or humiliation.

Indecent Exposure: Indecent exposure is defined as revealing private parts of the body in a lewd or indecent manner, to be seen or noticed by others.

Insubordination: All students must comply with reasonable directions of school staff members. It is considered insubordination to refuse to comply, or to disrespect and/or use inappropriate language toward staff. In addition, refusal to identify self upon request; refusal to comply with classroom or school rules or lying to school personnel constitute insubordination.

Intimidation: Intimidation is strictly prohibited by the District. Intimidation includes threatening, stalking, seeking to compel or coerce a person (or persons) to behave in a specific manner or to commit a specific act or acts. This can be verbal, electronic, written or physical or through the use of epithets or slurs. NYS VADIR defines intimidation as repeated "threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in written, verbal or physical conduct that threatens a person or group with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practice, gender, sexual orientation, age or disability that substantially disrupts the educational process."

Language: Profane, abusive, lewd or vulgar language is prohibited, including inappropriate use of swearing or cursing.

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

Plagiarism: The District takes education seriously and prohibits plagiarism, defined as taking ideas or writings from a person without credit, attribution or reference or taking other people's work and claiming ownership.

Sexual Harassment: Sexual harassment is unwelcome verbal or physical conduct of a sexual nature, sexual advances or requests, and other similar behavior. This behavior can be verbal, electronic, and/or physical, including gestures, words or pictures, and can include touching, taunting, threatening, belittling, or other sexualized behaviors unwanted or unwelcome to the target. (****Change from District Parent Handbook)

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

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: Any school-sponsored event or activity during or after school. This also includes school sponsored activities taking place off school property (i.e. field trips, athletic events, etc.)

School Property: School property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary of a public elementary or secondary school, or in or on a school bus.

School Security Personnel: School monitors trained and employed as security. Conduct patrols, inspections and investigations at assigned schools. Monitors students entering and leaving building, intervenes if a disruption occurs and performs duties outlined in the district Safety and Crisis Response Plan.

Theft, Robbery: Stealing of property from a person or the school is defined as theft. This illegal action is robbery when accompanied by using or threatening the immediate use of physical force upon the person.

Tobacco: Use of any tobacco product, including cigarettes, cigar, blunt, pipe, snuff, bidi, chew or other smokeless tobacco product is strictly prohibited.

Trespassing: The unauthorized presence of a person in a building or at a school-related site or activity without official permission is considered trespassing.

Violent Student: A student under the age of 21 who commits an act of violence upon a school employee or attempts to do so is considered a "violent student." Any student under the age of 21, who commits an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so, is considered a "violent student." In addition, a violent student is one who displays, possesses or threatens using what appears to be a weapon, while on school property or at a school function. It is considered violent to knowingly and intentionally damage or destroy school district property or the personal property of any school employee or other person lawfully on school property on at a school function. (See definition of "weapon.")

Vandalism: The District strictly discourages and forbids vandalism, the damage, defacing or destruction of property belonging to the school or school staff. Vandalism may include damage to school buildings, furniture, grounds, vehicles, equipment, or materials.

Weapon: The District strictly prohibits possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of authorized school personnel. Possession includes bringing a weapon to or possessing a weapon at school, brandishing a weapon on a school bus, or bringing a weapon to a school event. A weapon is defined as a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun; a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife; a billy club, blackjack, bludgeon, chukka stick, or metal knuckles; a sandbag or sand club; a sling shot or slungshot; martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken; an explosive, including but not limited to, a firecracker or other fireworks; deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument.

