

**2018 - 2019**

**CODE OF CONDUCT**

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Cheektowaga Central School District

CODE OF CONDUCT

TABLE OF CONTENTS

ARTICLES I-XIV

	<b>Pages</b>
I. Introduction and essential partners .....	1-5
II. Definitions.....	6-10
<b><u>Student Code</u></b> .....	11-30
III. Student Rights and Responsibilities.....	11
IV. Student Dress and Language .....	12-13
A. Dress Code.....	12-13
B. Language Code.....	13
V. Prohibited Student Conduct .....	13-15
VI. Reporting Violations.....	16
VII. Disciplinary Consequences, Procedures and Referrals .....	16-22
A. Overview of Procedures and Possible Consequences .....	16-17
B. Specific Consequences.....	17-20
(1) Detention .....	17
(2) Suspension from transportation .....	17
(3) Suspension from athletic participation, extracurricular activities..... and other privileges	17
(4) In-school suspension .....	18
(5) Suspension from school.....	18-19
(a) Short-term suspension from school (5 days or less).....	19
(b) Long-term suspension from school (more than 5 days) .....	19
(c) Permanent suspension .....	19
(6) Mandatory suspension – Minimum periods set by law .....	19-20
(a) Students who bring a firearm to school..... <i>as defined by the Gun-Free Schools Act</i>	19
(b) Students who commit violent acts including bringing a weapon to school..... <i>other than a firearm</i>	20
(c) Students who are repeatedly, substantially disruptive of the educational process..... <i>or repeatedly, substantially interfere with the teacher’s authority over the classroom</i>	20

(7) Teacher disciplinary removal of a disruptive pupil .....	21-22
C. Referrals.....	22
(1) Counseling.....	22
(2) PINS Petitions .....	22
(3) Superintendent’s mandated referral of any student who brings..... a firearm to school	22
VIII. Alternative Instruction .....	23
IX. Discipline of Students with Disabilities.....	23-30
A. Definitions .....	23-24
B. Authorized Suspensions or Removals of Students with Disabilities..... <i>and those presumed to have disabilities</i>	24-27
X. Corporal Punishment .....	28
XI. Student Searches and Interrogations.....	28-31
A. Questioning of Students by School Officials.....	28
B. Searches of Students and Their Property by School Officials.....	28-29
C. Searches on School Property.....	29
D. Police Involvement in Searches and Interrogations .....	29
E. School Liaison Officer .....	30
F. Child Protective Services Investigations .....	30
<b><u>Visitors and Public Conduct</u></b> .....	30-33
XII. Visitors to Schools .....	30-31
XIII. Public Conduct on School Property .....	31-32
XIV. Dissemination and Review .....	33
Appendix A: Chart.....	34
Appendix B: Dignity Act Coordinators .....	35

# CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

## 2018-2019 CODE OF CONDUCT

### **I. INTRODUCTION AND ESSENTIAL PARTNERS**

The Cheektowaga Central School Board (Board) is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Our vision is to provide a nurturing environment that embraces diversity and promotes ethical behavior, and where all students meet challenging educational standards. Our mission is that through its commitment to excellence, the District prepares individuals for life in our global community. Responsible behavior by students, teachers, and other District personnel, parents, and other visitors is essential to achieving these goals.

The District has a long-standing set of expectations for appropriate conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. These expectations are embodied in our beliefs which are established by our District Strategic Plan (DSP).

- 1) Our District is an organization that is comprised of students, staff, the Board of Education, parents and members of the community who all share the responsibility of student success.
- 2) Our District is committed to the development of the whole child (physical, emotional, social, and intellectual) as the foundation of academic achievement.
- 3) Each student must be provided with a supportive learning environment and must be challenged to meet his/her highest level of academic excellence.
- 4) Respect and acceptance of the diversity of all people is essential to understanding.
- 5) Our District has the responsibility to provide the necessary educational programs and appropriate resources to support effective instruction.
- 6) Prevention and early intervention reduce the need for remediation.
- 7) Every staff member has the responsibility to practice effective instructional methods that [may](#) lead to success for each student.
- 8) Continuous self-evaluation is a key component in achieving excellence.
- 9) Our District has an obligation to prepare students to become responsible, contributing citizens in our democratic society.
- 10) Success builds self-esteem and self-esteem builds success.
- 11) A positive, supportive, and safe learning environment fosters individual responsibility and student success.
- 12) Student performance improves when the school and community use current data and research to meet evolving needs.

### **ESSENTIAL PARTNERS**

The Board recognizes that a supportive community is very important to helping children develop positive behaviors and interpersonal skills that will serve them well throughout their school years and later, as adult citizens. To emphasize the importance of a supportive community, we identify its members as our “Essential Partners.” Essential Partners include parents/guardians, teachers, school counselors, social workers student support service personnel, other school staff, principals, assistant principals, the superintendent, and the Board of Education

## **District-wide Behavioral Expectations (The 5 Bs)**

- 1) Be on time and be ready
- 2) Be respectful
- 3) Be responsible
- 4) Be safe
- 5) Be kind

## **Expectations for Parents**

- 1) Recognize that the education of their children is a joint responsibility of the parents or guardians and school community.
- 2) Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time. Ensure absences are excused.
- 3) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- 4) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 5) Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District Code of Conduct.
- 6) Convey to their children a supportive attitude towards education and the District.
- 7) Build positive relationships with teachers, other parents and their children's friends.
- 8) Work with our schools to maintain open and respectful communication.
- 9) Help their children deal effectively with peer pressure.
- 10) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 11) Provide a place for study and ensure homework assignments are completed
- 12) Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, which will strengthen the child's confidence and promote learning in accordance with the Dignity Act.
- 13) Monitor and teach their children appropriate use of online activity, including social media.
- 14) Set a good example for their children and others by demonstrating dependability, integrity and other standards of ethical conduct.

## **Expectations for Teachers**

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching and concern for student achievement.
- 4) Know school policies and rules, and enforce them in a fair and consistent manner.
- 5) Communicate to students and parents:
  - a. Course objectives and requirements.
  - b. Marking/grading procedures.
  - c. Assignment deadlines.
  - d. Expectations for students (District-wide Behavioral Expectations –The 5 Bs)
  - e. Classroom discipline plan.
- 6) Communicate regularly with students, parents and other teachers concerning growth, achievement and expectations.
- 7) Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- 8) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 9) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
- 10) Set a positive example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.

## **Expectations for Pupil Services Personnel**

- 1) Support educational and academic goals.
- 2) Know school rules, abide by them and enforce them in a fair and consistent manner.
- 3) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 4) Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
- 5) Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
- 6) Regularly review with students their educational progress and career plan/post-secondary goals.
- 7) Coordinate Intervention Support Services, as needed, with student, parent, Building Principal and teachers.
- 8) Provide information to assist students with career planning/post-secondary goals.

- 9) Encourage students to benefit from the curriculum and extra-curricular programs.
- 10) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 11) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
- 12) Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.

### **Expectations for Other School Staff**

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2) Set a positive example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
- 3) Assist in promoting a safe, orderly and stimulating school environment.
- 4) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 5) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **Expectations for Principals**

- 1) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal to address grievances.
- 3) Evaluate the effective safety, behavioral and school management issues related to all instructional programs on a regular basis.
- 4) Support the development of and student participation in appropriate extracurricular activities.
- 5) Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- 6) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 7) Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
- 8) Set a positive example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.

### **Expectations for the Superintendent**

- 1) Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
- 2) Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- 3) Inform the School Board about educational trends, including student discipline.
- 4) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- 5) Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- 6) Address all areas of school-related safety concerns.
- 7) Set a positive example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.

### **Expectations for the Board of Education**

- 1) Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- 2) Approve 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.
- 3) Appoint a Dignity Act Coordinator (DAC) in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
- 4) Lead by example by conducting all Board business in a professional, respectful and courteous manner.
- 5) Set a positive example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.



## **II. DEFINITIONS**

For purposes of this Code, the following definitions apply.

**“Behavior Management System”** means a process or acknowledge system of rewards/consequences for behavior that is developed by staff in a particular building or program, which is used by staff and students in order to monitor and improve student behaviors.

**“Building”** means the physical site (school) where a program's services are delivered to students.

**“Building Administrator”** means a certified administrator who is responsible for the supervision and management of an educational site; e.g., Principal and Assistant Principal.

**“Bullying”** among children is defined, in general, as a variety of negative acts that involve a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful. Bullying can take three forms: physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings); verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and psychological (including, but not limited to, spreading rumors, manipulating social relationships, engaging in social exclusion, extortion or intimidation). Bullying can also be conducted through a variety of mediums such as personal interaction and written communication, including “Cyber Bullying.”

**“Color”** refers to skin pigmentation, especially as an indication or possible indication of a person’s race.

**“Cyber-Bullying”** means bullying behavior conducted with the use of instant messaging, e-mail, web sites, chat rooms, text messaging, voice mail, or any other type of technology, and which interferes with the operation of the school, or infringes upon the general health, safety and welfare of District students or employees.

**Dignity for All Students Act – DASA (“Dignity Act”)** is a state law that requires school districts to adopt policy and practices to help ensure that no student is subject to discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, by any school employee or student on school property, on a school bus, at a school bus stop or at a school function.

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

**“Disruptive Pupil”** is defined by Education Law § 3214(2-a)(b) to mean an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**“Electronic Devices”** include but are not limited to radios, CD and/or DVD players, video games, cell phones, PDA’s, IPODs, MP3 players, cameras, recording devices, laptops, computers, tablets and any assistive or augmentative devices which assist in communications. Some of these devices are used in the education process, but only if and when provided by the school district and/or specified in the student's educational program.

**“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.

**“Ethnic Group”** means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage.

**“Firearm”** is broadly defined by the Gun-Free School Act (18 USC § 921 and 20 USC § 7151(b)(3)) to mean any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device, which includes such things as any explosive, incendiary, or poison gas - bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any similar device or type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into any destructive device described herein, and from which a destructive device may be readily assembled.

**“Formal Removal by Teacher”** means the action by a certified teacher to have a Disruptive Pupil removed from the classroom after using the behavior management system. Classroom management techniques for controlling student behavior, defusing a situation and/or preventing a crisis are not considered "formal removal by a teacher" for purposes of this Code.

**“Gang”** means one person, aided by two or more individuals that hang-out together and are involved in joint violent, illegal, or criminal activity. They generally give themselves a common name or symbol, and often choose to wear a certain type of clothing or to display some other identifying item. *(from the New York State Penal Code and the National Youth Violence Prevention Resource Center)*

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

**“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 gender identity.

**“Hazing”** means any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization club or team.

**“National Origin”** means an individual's, or his or her ancestor's, place of origin.

**“Non-Violent Crisis Intervention”** means those techniques that enable staff to maintain control in an unlimited number of crisis situations through calm, confident actions that help staff defuse the disruptive student and reduce the chance for physical injury to all who are present. In non-violent crisis intervention, the emphasis is always on the staff's primary responsibility: the care, welfare, safety and security of our students and staff. Physical restraint is only used when all verbal and nonverbal techniques have been exhausted and the individual's actions are escalating toward physical aggression. Staff needs to call for additional support to avoid any implications regarding possible lawsuit. When a teacher must resort to physical restraint, it is used in such a way to control and protect students, staff and school property.

**“Other Privileges”** means extracurricular activities which may occur during or after regular school hours, on or off school property.

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

**“Plagiarism”** means to steal the ideas or writings from another person and to use the ideas or writings as one's own. Plagiarism includes, but is not limited to, taking material from a magazine, book, journal or the internet. Using anything you have seen, heard or read, if not cited, is considered plagiarism.

**“Program”** means an educational approach to providing learning experiences in order to address academic, behavioral, developmental or career needs of students. A program can be center-based or can exist in more than one building.

**“Race”** refers to a person's self-identification from among one *or any combination* of the following five racial categories recognized by the U.S. Census Bureau, which generally reflect a social definition of race rather than an attempt to define race anthropologically or genetically:

**American Indian or Alaska Native** (A person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment);

**Asian** (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam);

**Black or African American** (A person having origins in any of the Black racial groups of Africa);

**Native Hawaiian or Other Pacific Islander** (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands);

**White** (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa).

**“Religion”** refers not only to traditional, organized religions (such as Christianity, Judaism, Islam, Hinduism, and Buddhism), but also *religious beliefs* that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. Religious beliefs include theistic beliefs (i.e., those that include a belief in a god or gods) as well as nontheistic beliefs which are sincerely held with the strength of traditional religious views.

**“Religious Practice”** refers to practices and observances that are theistic in nature (believing in a god or gods), as well as non-theistic (moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views). Examples of religious practices include but are not limited to: attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities.

**“School Delinquent”** is defined by Education Law § 3214(1) to mean a minor under seventeen years of age who is required to attend upon instruction and who is an habitual truant from such instruction or is irregular in such attendance or insubordinate or disorderly or disruptive or violent during such attendance.

**“School Property”** means any building, structure, athletic playing field, playground, parking lot, or land owned or leased by a school district or public elementary or secondary school, as well as any school bus, defined by Vehicle and Traffic Law Section 142 to include those buses hired by a school district to transport pupils to and from school or school functions. For purposes of searches conducted by school officials, “School Property” also means all personal property and chattel owned by or leased to a school district, including but not limited to such things as school computers and textbooks.

**“School Function”** means any school-sponsored extracurricular event or activity, no matter when or where it takes place, and includes such things as a field trip, school dance, prom, class trip, after-school club, intramural and interscholastic sports, etc.

**“Sexting”** is the act of sending sexually explicit messages or photos electronically, between cell phones or other electronic devices.

**“Sexual Harassment”** is generally defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) Submission to sexually harassing behavior is a condition for the successful completion of any course of study or educational and extracurricular activity, including the acceptance into or rejection from such course or activity;
- 2) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature;
- 3) Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment.

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality.

**“Short Term Suspension”** means a suspension of five consecutive school days or fewer outside the classroom.

**“Social Media”** refers to the means of interactions among people in which they create, share, and exchange information and ideas in virtual communities and networks.

**“Student Identification Tag”** means a student identification tag, issued by the district that contains the student’s photo and other pertinent information, such as bus assignment.

**“Tagging”** is the use of a graffiti-type gang signal/symbol to mark territory or to serve as an indicator for gang-related activity.

**“Violent Pupil”** is defined by Education Law § 3214(2-a)(a) to mean a school age student or adult who:

- 1) commits an act of violence upon a teacher, administrator or other school employee;
- 2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
- 3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- 4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
- 5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
- 6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
- 7) knowingly and intentionally damages or destroys school district property.

**“Weapon”** is a term that is broadly defined. For example, it includes a “firearm” as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. (See definition of “Firearm”). Under New York state law, the term “weapon” also means any other device, instrument, material or substance, animate or inanimate that is readily capable of causing serious bodily injury or death, or is actually used for causing serious bodily injury or death. Thus, “weapon” includes, but is not limited to, any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, razor, stiletto, switchblade knife, gravity knife, box cutter, any other knife, brass knuckles, sling shot, cane sword, electronic dart gun or stun gun, Kung Fu star, lighter, mace, pepper spray, or other noxious spray, explosive or incendiary bomb.

**“Weight,”** in addition to its scientific meaning, may also refer to a person’s body size.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **With every right comes a responsibility.**

*It is the student's right:*

- 1) To attend school in the district in which one's parent or legal guardian resides.
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

*It is the student's responsibility:*

- To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a quality education.
- To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- To respect one another, and to treat others in the manner that one would want to be treated.
- To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

#### **IV. STUDENT DRESS AND LANGUAGE**

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

**A student's dress, grooming and appearance, including but not limited to hair style/color, jewelry, play jewelry and trinkets, make-up (face or body paint), body or facial piercing, and nails, shall be safe and appropriate to the school environment.** "Appropriate" means that one's dress, grooming and appearance do not disrupt or interfere with the educational process, including the maintenance of public order and discipline. The following rules, although not exhaustive, provide specific information on how students can meet their obligations under the District's Dress Code.

- (1) Tops, such as shirts and blouses, must be worn so that the torso, which includes the chest, midriff, and back, are covered. Over-sized garments or extremely brief garments showing midriffs or backs, or containing plunging necklines are prohibited.
- (2) Shorts, skirts, dresses, pants and similar outer garments must have an appropriate and modest length and fit. They are considered too short if, when fully extending one's arm and hand along one's side, the hem or cuff is higher than the fingertip of the index finger. In addition, the waistline of such apparel must be worn at the student's waistline. The discretion of the building administrator or his/her designee may also be used to determine if a garment is inappropriate for school due to being too short, too tight, and/or too loose.
- (3) Undergarments must be fully covered by another garment, such as shorts, pants, skirt, dress, or top.
- (4) See-through garments are prohibited.
- (5) All garments worn indoors, including footwear, must be suitable for an indoor public school setting. Therefore, beachwear, sleepwear and similar types of garments are prohibited. In addition, the wearing of outdoor coats and jackets is not permitted in the school building, except for entering or leaving the building. Students are expected to remain fully clothed for school and related school functions.
- (6) Footwear must be worn at all times. Footwear may be deemed inappropriate by the principal or his/her designee due to the age of the students in the respective building. Footwear that contains wheels (e.g., 'Heelys', rollerblades, etc.) is not permitted.
- (7) A student's dress, grooming and appearance must show proper public etiquette, as well as proper respect for self and others. Therefore:
  - (a) The wearing of hats and head attire, including but not limited to caps, "hoodies," "do-rags", "headwraps," sweatbands, and bandanas, is prohibited indoors during the school day, except for a medical or religious purpose, or unless otherwise authorized by the school principal. Prohibited head attire also includes the wearing of hair picks and combs in the hair.
  - (b) One's dress, grooming and appearance shall not include any item or characteristic that is vulgar, dangerous, obscene, libelous, or that denigrates others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
  - (c) No part of a student's dress, grooming or appearance shall display, promote, encourage or endorse the use of alcohol, tobacco or illegal drugs or any illegal or violent activity.
  - (d) No part of a student's dress, grooming or appearance shall violate any other part of the Code of Conduct.

- (8) The wearing of gang related or gang-like symbols, apparel, or colors is prohibited.

Each building principal or his or her designee shall be responsible for providing parents and students with a written summary of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. This may be supplemented by an optional meeting attended by all students and their parents.

Students who violate the student dress code shall be directed by an administrator to modify their appearance by covering or removing the offending item and if necessary or practical, replacing it with acceptable items. A student who refuses to comply with such direction will be disciplined for insubordination, which may include out of school suspension. If a student repeatedly fails to comply with the dress code, the parent(s) will be notified and further disciplinary measures may result.

## **B. LANGUAGE CODE:**

All students are expected to use appropriate and respectful language while on school property or attending school functions. Language must not be profane, demeaning, obscene, offensive, threatening, vulgar, or disrespectful in any way to others. Language and/or gestures must not denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, or personal appearance.

## **V. PROHIBITED STUDENT CONDUCT**

The Board recognizes the need to make its expectations specific and clear for student conduct while on school property or at a school function. The rules of conduct listed below are intended to do that, and focus on safety and respect for the rights and property of others.

Although student conduct that is subject to discipline under this Code typically occurs on school property or at school functions, this is not always the case. Students may also be disciplined for conduct that occurs at other locations when their conduct may adversely affect the educative process or endanger the health, safety or morals of students within the education system.

**Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, or engage in academic misconduct.** Examples of prohibited student conduct include but are not limited to the following:

### **A. Disorderly, reckless or violent behavior, which may endanger the safety, morals, health or welfare of others by any act, including but not limited to:**

- (1) Possessing, using, displaying, sharing or selling any weapon, explosive, firework, or other dangerous instrument or contraband, including any object that appears to be a weapon.
- (2) Fighting, physical assault, physical confrontation, or engaging in any violent behavior.
- (3) Threatening or attempting an act of violence (such as hitting, kicking, punching, scratching, etc.) upon another student, a teacher, an administrator, a District employee, or any other person on school property or present at a school function.
- (4) Communicating by any means, including oral, written or electronic (such as through the Internet, email, Social Media, or texting), where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property or at a school function; or (b) results in a material or substantial disruption to the educational environment.
- (5) Horseplay or similar inappropriate conduct not motivated by anger or malice, including but not limited to play fighting or pranks involving physical contact or the risk of physical injury.
- (6) Lying, deceiving or giving false information to school personnel.
- (7) Extorting (which means the use of coercion to obtain money, property or services from another person or entity), or stealing District property or the property of another student or any other person on school property or present at a school function.



- (8) Planning and/or implementation of any act that endangers the health, safety or welfare of another person, including but not limited to false alarms, bomb threats, or persuading or directing anyone else to commit an act that violates this Code of Conduct or endangers the health, safety or welfare of any person or group of people.
- (9) Engaging in harassing conduct, threats, intimidation, bullying (including cyber-bullying), or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being, or which has or would have the effect of unreasonably and substantially interfering with a student's mental or emotional well-being, or a student's educational performance or opportunities.
- (10) Threatening, harassing, or intimidating any person not covered by item (9) above, whether physical, verbal, or written, and including but not limited to cyber-bullying.
- (11) Discrimination, which includes the use of a person's actual or perceived race, color, national origin, ethnic group, creed, religion, religious practice, gender or sex, sexual orientation, marital or veteran status, or disability, as a basis for treating another in a negative manner.
- (12) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals, including but not limited to students, faculty and school personnel, that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, or any other form of Social Media, etc.).
- (13) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- (14) Engaging in lewd behavior, inappropriate touching, and/or indecent exposure.
- (15) Using abusive, objectionable, lewd, vulgar or obscene language or gestures.
- (16) Possessing, using, sharing or selling any objectionable, lewd or obscene material, including but not limited to sexting.
- (17) Possessing, consuming, sharing, selling, attempting to share or sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products, vaping pens, e-cigarettes or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs, or being under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- (18) Inappropriately possessing, using, sharing or selling, attempting to share or sell, distributing, or exchanging any prescription or over-the-counter drugs.
- (19) Possessing, consuming, sharing, selling, attempting to share or sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), sharing, selling, attempting to share or sell, distributing, or exchanging other substances such as dietary supplements, weight loss pills, etc.
- (20) Selling, without authorization, food, candy or other items for personal profit or fundraising for outside organizations.
- (21) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- (22) Gang-like/gang related activity, including but not limited to displaying signs of gang affiliation, tagging of school or personal property, or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- (23) Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function, including but not limited to graffiti or arson.
- (24) Gambling, including but not limited to card playing, play with poker chips, and/or dice.
- (25) Creating or instigating a hazardous or physically offensive condition, including but not limited to running in the hallways.
- (26) Obstructing vehicular or pedestrian traffic, parking in an unauthorized area, or driving in an unsafe manner.
- (27) Insubordination, which includes but is not limited to being disrespectful toward any adult staff member, or failing to comply with the reasonable direction of a teacher, administrator or other District employee.
- (28) Engaging in any act that disrupts or threatens to disrupt the normal operation of the school community.

**B. Academic/Attendance Issues\* including but not limited to:**

- (1) Unexcused absence from any class.
- (2) Tardiness, missing or leaving school or class without permission or excuse.
- (3) Abuse of student passes.
- (4) Skipping detention.
- (5) Violation of the Computer Technology Acceptable Use Policy.
- (6) Engaging in any form of academic misconduct, including but not limited to: cheating, copying, using unauthorized help sheets, illegally obtaining tests in advance, plagiarism, altering records, or forgery.
- (7) Helping or encouraging another student to engage in any of the actions listed in 1-6 above.

\*Refer also to Policy #7110 Comprehensive Student Attendance

**C. Violation of Public Order on School Property including but not limited to:**

- (1) Possession of any items that are not needed for instructional or medical purposes. Inappropriate use of any electronic device that is prohibited during the school day and all after-school detention periods. Thus, cell phones and any electronic devices not specified in the student's educational program are subject to confiscation by an administrator or staff member during the school day or during an after-school detention period. In the event of confiscation, it may be the responsibility of the parent or guardian to pick up the item from the administrator. Any student who repeatedly violates this rule will be disciplined for insubordination.
- (2) Carrying or the use of backpacks, tote bags, or any similar bag with or without wheels, during the school day. These items may be carried to and from school but must be stored in the student's designated locker during the school day-, unless deemed appropriate by building administrator.
- (3) Loitering - Students are expected to leave the building at dismissal time unless supervised by teacher, coach or administrator.
- (4) Trespassing - Students are not permitted in any school building, other than the one they regularly attend, without permission from a building administrator in charge of the building that the student does not regularly attend.
- (5) Misconduct on the school bus.
- (6) Misuse of automobile on school property.

## **VI. REPORTING VIOLATIONS**

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their 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.

All students are expected to promptly report violations of the Code of Conduct to a teacher, a member of the counseling staff, the building administrator or any staff or faculty member. Any student observing or having knowledge of a student possessing a weapon, tobacco products, alcohol or illegal substances or making threats on school property or at a school function shall report this information immediately to a school official or other responsible adult.

Any weapon, tobacco products, alcohol, prescription medications, over-the-counter medicines, or illegal substances found shall be confiscated immediately, and reported to the proper authorities. Notification will be made to the parent of the student involved and appropriate disciplinary action will be taken. This may include but not limited to suspension, a Superintendent Hearing and the involvement of other agencies.

## **VII. DISCIPLINARY CONSEQUENCES, PROCEDURES AND REFERRALS**

### **A. Overview of Procedures and Possible Consequences**

Discipline is usually most effective when it deals directly with the problem at the time and place it occurs, and in a way that reasonable students are able to 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 students' ability to make good choices and accept responsibility for their actions.

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 should consider but are not limited to the following:

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

If the conduct of a student may be related to a disability or suspected disability, the student shall be referred to the Committee on Special Education (CSE) so that discipline, if warranted, will be administered in accordance with the separate requirements of this Code of Conduct for disciplining students with disabilities. (See Article IX).

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

Students who are to be given consequences other than an oral warning, or written notification to their parents may be entitled to additional rights before the consequence is imposed. Where applicable, these additional rights are explained below. (See 'Specific Consequences').

Except as otherwise noted, **students who are found to have violated the District's Code of Conduct may be subject to but not limited to the following penalties, either alone or in combination.** The school personnel identified after each consequence are authorized to impose that penalty, consistent with the student's right to due process.

- (1) Oral warning – any member of the District staff as well as bus drivers
- (2) Written Notification to Parent/Guardian – Superintendent, Administrators, Counseling Staff, Teachers, Teaching Assistants, Coaches
- (3) Detention – Administrators, Teachers (secondary level); Saturday Detention - Administrators only
- (4) Suspension from transportation – Administrators
- (5) Suspension from non-Interscholastic athletic participation – Superintendent or his/her designee, per Board Policy 7410
- (6) Suspension from the Interscholastic Athletic Program – Superintendent or his/her designee, per Board Policy 7410
- (7) Suspension from social or extracurricular activities – Superintendent or his/her designee, per Board Policy 7410
- (8) Removal of driving permit or parking privileges on school property – High School Principal
- (9) Suspension of other privileges – Principal, Superintendent
- (10) In-school suspension – Principal, Superintendent
- (11) Removal from classroom – Administrators, Teachers
- (12) Short-term suspension from school (five days or less) – Principal, Superintendent, Board of Education
- (13) Long-term suspension from school (more than five days) – Superintendent, Board of Education
- (14) Permanent suspension from school – Superintendent, Board of Education
- (15) Legal action – Superintendent, Board of Education

## **B. Specific Consequences:**

### **(1) Detention**

Detention may include, but not be limited to:

- (a) after-school detention,
- (b) in-school detention during the school day, as deemed appropriate by Administrator, or
- (c) Saturday detention, as deemed appropriate by Administrator

### **(2) Suspension from transportation**

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

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

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

A student subjected to a suspension from extra-curricular activities, including but not limited to clubs, intramural and interscholastic athletics, after-school social events, or other privileges, including but not limited to parking privileges and participation in commencement exercises, is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved. Ineligibility to participate in extracurricular activities, including athletics, and other privileges, due to separate regulations and policies concerning attendance and/or minimum academic requirements, is not considered a suspension for purposes of this Code of Conduct.

(4) **In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension" during the regular school day.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

Pursuant to Board Policy 7410, a student is prohibited from attending or participating in any and all school functions for the duration of his/her in-school suspension.

(5) **Suspension from school / out-of-school suspension**

Suspension from school (also known as an 'out-of-school suspension) is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

Pursuant to Board Policy 7410, a student is prohibited from attending or participating in any and all school functions for the duration of his/her out-of-school suspension.

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

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

**(a) Short-Term Suspension from School (5 days or less)**

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

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

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

of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents in writing that if they are not satisfied with the decision and wish to pursue the matter, they must deliver and file a written appeal to the Superintendent within 5 business days of receiving the decision, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of receiving the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. A final decision of the Board may only be appealed to the Commissioner of Education by filing an appeal with the Commissioner within 30 calendar days of receiving the Board's decision.

**(b) Long-Term Suspension from School (more than 5 days)**

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall either personally hear and determine the proceeding or, in his or her discretion, designate a hearing officer to conduct the hearing. In the event of a designation, the hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record.

The hearing officer shall make written findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof in rendering his or her written decision. Alternatively, the Superintendent shall make written findings of fact and render a written decision as to liability and any punishment to be imposed.

In either case, the Superintendent shall advise the parents in writing of his or her decision. The Superintendent shall also advise the parents in writing that if they are not satisfied with the decision and wish to appeal the matter to the Board of Education, they must deliver a written appeal to the District Clerk within 10 business days of receiving the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. The Board may adopt in whole or in part the decision of the Superintendent, or revoke or modify a suspension, and/or condition a student's early return to school on the student's successful participation in counseling or specialized classes where applicable. A final decision of the Board may only be appealed to the Commissioner of Education by filing an appeal with the Commissioner within 30 calendar days of receiving the Board's decision.

**(c) Permanent Suspension**

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

**(6) Mandatory Suspension - Minimum Periods Set by Law**

**(a) Students who bring a firearm to school as defined by Gun-Free Schools Act (18 USC Section 921).**

Note: The term "firearm," as used in this Code, has a special meaning that is set by federal law, and includes many items in addition to handguns, rifles, etc. See definition of "Firearm" in the Definition section of this Code (Article II).

Any student, other than a student with a disability\*, found guilty of bringing or possessing a firearm on school property, or to any setting that is under the control and supervision of the school district for the purpose of student activities approved and authorized by the district, will be subject to suspension from school for **at least one (1) calendar year**. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- (i) The student's age
- (ii) The student's grade in school
- (iii) The student's prior disability record
- (iv) The Superintendent's belief that other forms of discipline may be more effective
- (v) Input from parents, teachers and/or others
- (vi) Other extenuating circumstances.

\*A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**(b) Students who commit violent acts including bringing a weapon to school other than a firearm.**

Any student, other than a student with a disability\*, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for **at least five days**. If the proposed penalty exceeds the minimum five day suspension, the matter will be handled by way of a Superintendent's Hearing, in which case the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. \*A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student, other than a student with a disability\*, who repeatedly is substantially disruptive of the educational process or who substantially interferes with the teacher's authority over the classroom will be suspended from school for **at least three days**. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this Code on three or more occasions during a semester. If the proposed penalty is between the minimum three day suspension and a five day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five day suspension, the matter will be handled by way of a Superintendent's Hearing, in which case the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent has the authority to modify the minimum three day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. \*A student with a disability may be suspended only in accordance with the requirements of state and federal law.

(7) **Teacher disciplinary removal of a Disruptive Pupil**

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 classroom management techniques. Classroom management techniques do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior reaches a point where he or she meets the definition of a "Disruptive Pupil," and classroom management techniques fail to correct the problem. In that situation, the affected classroom teacher may remove the Disruptive Pupil from his or her class for up to two days, pursuant to the following procedures:

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

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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

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

The principal may require the teacher who ordered the removal to attend the informal conference.

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



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

- a) The charges against the student are not supported by substantial evidence.
- b) The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- c) The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

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

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

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

The procedures for the removal of a Disruptive Pupil by a teacher are outlined on the chart attached hereto as Appendix A.

## **C. Referrals:**

### **(1) Counseling**

The counseling staff shall handle all referrals of students to counseling.

### **(2) PINS Petitions**

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

- (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; or
- (c) knowingly and unlawfully possesses marijuana in violation of Penal Law Section 221.05. A single violation of Section 221.05 will be a sufficient basis for filing a PINS petition.

### **(3) Superintendent's mandated referral of any student who brings a firearm to school**

Any student under the age of 16 who is found to have brought a firearm to school, in violation of Education Law § 3214(3), must be referred by the Superintendent either to a presentment agency for a juvenile delinquency proceeding or to an appropriate law enforcement official, in accordance with Education Law § 3214(3)(d). Any student 16 years of age or older who is found to have brought a firearm to school shall be referred to an appropriate law enforcement official.

## **VIII. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age (5-16 years of age) is suspended from school pursuant to Education Law Section 3214, the District will take immediate steps to provide alternative means of instruction for the student of compulsory school age.

## **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. DEFINITIONS:**

For purposes of this Article IX of the Code of Conduct, the following definitions apply.

**“Committee on Special Education” (CSE)** means the committee on special education, subcommittee on special education, or other multidisciplinary team.

**“Disciplinary Change in Placement”** means a suspension or removal of a student with a disability from his/her current educational placement that is either:

- (i) for more than 10 consecutive school days; or
- (ii) for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year due to such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

**“Functional Behavioral Assessment” (FBA)** means the process of determining why a student engages in behaviors that impede learning and how the student’s behavior relates to the environment. The Functional Behavioral Assessment shall include, but is not limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factor that contribute to the behavior (including cognitive and affective factors) and the formulation of an hypothesis regarding the general conditions, under which a behavior usually occurs and probably consequences that serve to maintain it.

**“Behavioral Intervention Plan” (BIP)** means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

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

**“Individualized Educational Program” (IEP)** means a written statement developed, reviewed and revised in accordance with section 200.4 of the Regulations of the Commissioner that includes the components specified in section 200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

**“Individuals with Disabilities Education Act” (IDEA)** means the Federal laws related to the education of students with disabilities.

**“Itinerant Teacher”** means a certified staff member who provides specialized services, such as hearing, vision, or other educationally related services or special subject content such as physical education, art, music, or language instruction (i.e., Spanish) to students and is not assigned to one program or building.

**“Manifestation Determination”** means a review conducted by the Committee on Special Education to determine whether there is a relationship between a student's disability and the student's behavior that is subject to disciplinary action.

**“Removal”** means a removal for disciplinary reasons of a student with disabilities from that student's current educational placement, but does not include a suspension and change in placement to an IAES that is ordered by an impartial hearing officer because the student poses a risk of harm to self or others.

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

## **B. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES AND THOSE PRESUMED TO HAVE DISABILITIES**

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

### **Change in Placement Rule for Students with Disabilities**

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

Where the Change in Placement Rule would not be violated by a proposed suspension or removal, the Board, the Superintendent of schools, or a building principal, may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The District may also impose a suspension or removal, which would otherwise result in a disciplinary change in placement if:

- (i) the CSE has conducted a manifestation determination which concluded that the behavior was not a manifestation of the student's disability, or
- (ii) the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

### **Responsibilities and Authority Relative to Disciplining a Student with a Disability**

1. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

2. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement.
3. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - (a) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(2) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - (b) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - (c) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
  - (d) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.
4. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

## **Responsibilities and Authority of the Committee on Special Education (CSE)**

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

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

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

2. The District's CSE shall conduct a manifestation determination before a decision is made to:
  - (a) impose a suspension that might constitute a disciplinary change in placement; or
  - (b) place a student in an IAES for misconduct involving weapons, illegal drugs or controlled substances, or because maintaining the student in his current educational setting poses a risk of harm to the student or others.

## **Special Rules Regarding the Suspension or Removal of Students Presumed to Have a Disability**

1. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
2. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
3. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
  - (a) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - (b) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations.

Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - (a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - (b) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
2. 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.
3. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
4. 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.

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

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

1. 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.
2. 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.

## **X. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of disciplining that student. Any teacher, administrator, officer, employee or agent of the School District shall not use corporal punishment as a means of discipline against a student; nor shall corporal punishment be used against a student by a parent or any other visitor while on school property.

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

- (1) Protect oneself from physical injury;
- (2) Protect another student, teacher or any other person from physical injury;
- (3) Protect the property of the school or others; or
- (4) Restrain or remove a disruptive student, whose behavior interferes with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive behavior.

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

## **XI. STUDENT SEARCHES AND INTERROGATIONS**

### **A. Questioning of Students by School Officials**

Any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of a school rule the Code of Conduct, or any law. School officials are not required to give a "Miranda" type warning before questioning, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. School officials also have the right and responsibility to contact appropriate law enforcement agencies, as may be necessary, with regard to statements and information obtained from students.

### **B. Searches of Students and Their Property by School Officials**

In order to maintain discipline and safety on school property and at any school function, students and their property may be subject to searches by authorized school officials. However, the constitutional right of students to be free from unreasonable searches and seizures shall be protected.

School officials authorized to conduct searches of students and their property on school property and at any school function include the Superintendent, Administrators or their designees, including but not limited to School Nurses. In addition, individuals designated by the District to act as chaperones at a school function also qualify as school officials authorized to conduct searches of students and their property at such school function, no matter when or where that school function takes place. For purposes of searching students and their property at a school function involving interscholastic athletics, athletic coaches are automatically deemed to be chaperones designated by the District.

Authorized school officials may conduct searches of students and their belongings if such official has reasonable suspicion to believe that the search will result in evidence that the student violated a school rule, the Code of Conduct, or any law. However, justification less strict than 'reasonable suspicion' is required when school officials conduct less intrusive searches, such as touching the outside of a book bag. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should, whenever practical, attempt to obtain the student's admission that he or she possesses physical evidence that they violated the law or the District Code, or get the student to voluntarily consent to the search. Searches will be limited to the least intrusive methods necessary to locate the evidence sought. Thus, when a pat down of a student is the least intrusive, most practical means of locating items that are forbidden by a school rule, this Code of Conduct,

or law, the pat down method will be favored over more intrusive forms of searches of students. Whenever practical, more intrusive forms of searches will be conducted in the privacy of administrative offices.

Factors that may be considered in determining whether reasonable suspicion exists to search a student include:

- (1) The age of the student;
- (2) The student's school record and past history;
- (3) The predominance and seriousness of the problem in the school where the search is directed;
- (4) The probative value and reliability of the information used as justification for the search;
- (5) The school official's prior knowledge of and experience with the student; and
- (6) The urgency to conduct the search without delay.

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

### **C. Searches of School Property**

All desks, lockers, textbooks, computers, and other materials, supplies or storage spaces belonging to the District remain the property of the school at all times and may be opened and inspected by school employees at any time, even if such property has been loaned to or is in the possession of a student. Students have no reasonable expectation of privacy with respect to school property, and school officials retain complete control over such property. This means that student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces may be subject to search, and/or seizure of contraband/prohibited items, at any time, without prior notice to students and without their consent. Such searches may include but not be limited to the use of animals trained to detect dangerous materials, explosives, or other contraband. Students only have exclusive possession of their lockers in relation to other students, as the District has access to lockers at all times by virtue of having master keys, lock combinations, or other means of unilateral access.

### **D. Police Involvement in Searches and Interrogations**

The District is committed to cooperating with law enforcement authorities to maintain a safe school environment. Police can enter schools if a crime has been committed or reported, if they have a warrant for arrest or search, or other court order authorizing a student's removal, or if they have been invited by school officials. Otherwise, police officials have more limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work.

If police are involved in the questioning of students on school property, whether or not at the request of school authorities, it will be in accordance with applicable law. Generally, police authorities may interview students on school property without the permission of the parent/guardian in situations where a warrant or court order has been issued for the student's arrest or removal, when investigating or responding to a crime committed on school property, or when the student is of an age specified by law. In all other situations, not involving immediate risk to health or safety, the police wishing to speak to a student should take the matter up directly with the student's parent/guardian.

Although the consent of parents is not always required for police to question a student, the administration will attempt to notify the student's parent/guardian as soon as practical either before or after questioning.



**E. School Liaison Officer (may be referred to as “School Resource Officer”)**

The Cheektowaga Central School District has an ongoing working relationship with the Cheektowaga Police Department, which provides at least one School Liaison Officer in the schools. The School Liaison Officer provides a link between the School District and the Police Department.

If a Liaison Officer is involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law. For example, a Liaison Officer may not interrogate students on school property without parental permission unless a specific exemption applies, such as when a crime has been committed on school property. See section D above for more detail. Also, the parental consent requirement does not extend to the normal contacts between a Liaison Officer and students that are part of the Liaison Officer's job at the schools. During the course of duty of a Liaison Officer, for example, students will approach him/her for advice, or about problems that they are having. In such cases, the student's parent or guardian need not be notified before the interaction takes place.

**F. Child Protective Services Investigations**

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

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his/her designee shall set the time and place of the interview, and the Child Protective Services worker(s) shall be expected to abide by this Code of Conduct as it pertains to Visitors to Schools and Public Conduct on School Property. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing while on school property in order for the Child Protective Services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services Worker or school District official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker reasonably believes the student is subject to the danger of abuse if not removed from school before court authorization can reasonably be obtained, the worker may remove the student without a court order and without the parent's consent.

**XII. VISITORS TO SCHOOLS**

The following rules apply to visitors to the schools:

- (1) Anyone who is not a regular staff member or student of the school will be considered a visitor. District staff members are issued IDs which must be worn in a prominent position during the work day.
- (2) Except for visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, all visitors to the schools are required to register. Visitors register by reporting to the main office/front desk upon arrival at the school and stating the purpose of their visit. Visitors are then required to sign the visitor's register and to follow specific building procedures. Visitors will be provided with an ID badge which must be worn in a prominent location while in the building. Signs notifying visitors to report first to the school office shall be prominently posted in each school building in the District.
- (3) Parents or citizens who wish to observe a classroom, or join their children on school property or at a school function, while school is in session, are required to obtain permission in advance from the building principal.

- (4) Visitors are expected to refrain from taking class time to discuss individual matters with teachers.

Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine. The building administrator may accompany visitors during the visit when appropriate. Visitors are expected to maintain confidentiality regarding information acquired during the course of the visit.

- (5) Any unauthorized person on school property, which includes a visitor who violates any provision of this Code of Conduct, will be reported to the nearest available principal or administrator, or his or her designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.
- (6) Before a child may be released from the building to a visitor, the visitor must be approved by the building principal, or the principal's designee, as one having the legal right to take the child and the visitor must produce valid photo identification. The visitor will wait in the main office/front desk for the child to come from the classroom and/or follow other duly approved procedures for that building. A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker reasonably believes the student is subject to the danger of abuse if not removed from school before court authorization can reasonably be obtained, the worker may remove the student without a court order and without the parent's consent.
- (7) Students are not allowed to have visitors during the school day.
- (8) All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct. A principal or other administrator may limit the access of any visitor on school property, including a parent, if that visitor's conduct disrupts the educational process or the positive school environment.

### **XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The purpose of this Code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner.

**Prohibited Conduct**                      No person, either alone or with others, shall:

- (1) Intentionally injure any person or threaten to do so.
- (2) Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- (3) Smoke anywhere on school grounds, regardless of whether the event is indoor or outdoor.
- (4) Disrupt the orderly conduct of classes, school programs or other school activities.
- (5) Distribute or wear apparel or other materials on school property or at school functions that are obscene, advocate the use of drugs, alcohol, tobacco products or illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

- (6) Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- (7) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- (8) Obstruct the free movement of any person in any place to which this Code applies.
- (9) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- (10) Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.
- (11) Loiter on or about school property.
- (12) Gamble on school property or at school functions.
- (13) Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- (14) Willfully incite others to commit any of the acts prohibited by this Code.
- (15) Violate the traffic laws, parking regulations or other restrictions on vehicles, including the unauthorized operation of ATV's, snowmobiles and other such vehicles, as posted.

### **Penalties**

Persons who violate this Code shall be subject to warning, reprimand, suspension or dismissal, not necessarily in this order, as the facts may warrant in accordance with any legal rights they may have.

### **Enforcement**

The building principal or his or her designee shall be primarily responsible for enforcing this Code relative to public conduct in or near his or her building. However, any administrator has authority to enforce this Code relative to public conduct anywhere on school property or at school functions. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

#### **XIV. DISSEMINATION AND REVIEW OF THE CODE**

The Board will work to ensure that the community is aware of this Code of Conduct by:

- 1) Providing a public hearing prior to Board approval.
- 2) Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- 3) Making copies of the Code available to all parents at the beginning of the school year.
- 4) Providing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.
- 5) Making copies of the Code available for review by all current teachers and other staff members and notifying them about any amendments to the code as soon as practicable after adoption.
- 6) Making copies of the Code available for review by all new employees when they are first hired.
- 7) Making copies of the Code available for review by students, parents and other community members by posting the complete Code on the District's website, and providing them with opportunities to review and discuss this Code with the appropriate personnel.

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

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

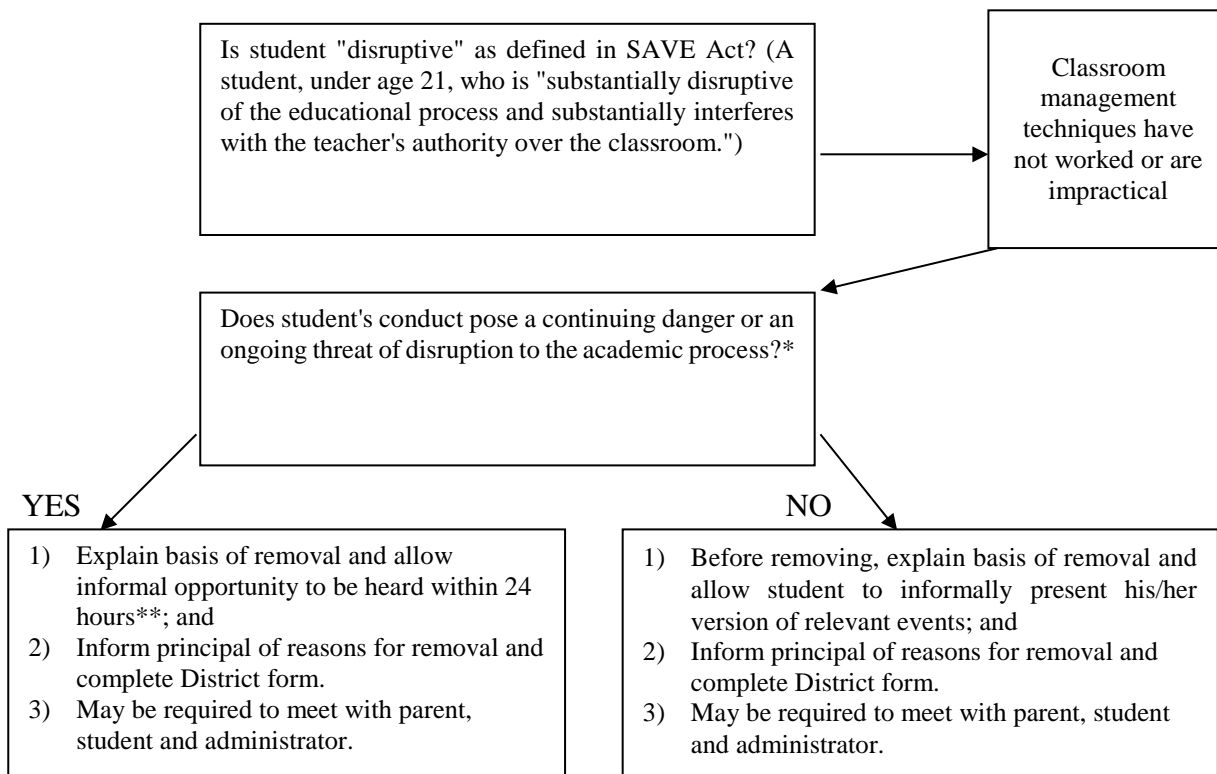
The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

## APPENDIX A

### REMOVAL OF DISRUPTIVE PUPIL BY TEACHER



### PRINCIPAL'S RESPONSIBILITIES TRIGGERED BY TEACHER REMOVAL

- 1) Within 24 hours\* of removal **principal** or his/her designee must inform parent of reasons for removal.
- 2) **On request**, student/parent must be given an opportunity to discuss reasons with principal.
- 3) If student denies the charges, student/parent must be given explanation of basis for removal and an opportunity to present his/her version. This must take place within 48 hours\* of removal.
- 4) Principal must decide, by the close of the business on the day following the opportunity for the informal hearing, whether the discipline will be overturned. Principal may only set aside discipline if:
  - a. The charges against the student are not supported by **substantial evidence**.
  - b. The student's removal is in violation of law.
  - c. The conduct warrants suspension and a suspension will be imposed.

\* Removal of a student with a disability may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

\*\* If such a time period does not end on a school day, it shall be extended to the corresponding time on the next school day.

## APPENDIX B

### CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

#### Dignity Act – Coordinators

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