

# **HAMBURG CENTRAL SCHOOL DISTRICT**

*CODE OF CONDUCT*

*2015-2016 School Year*

*Adopted on June 9, 2015*

# HAMBURG CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

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# HAMBURG CODE OF CONDUCT

## INTRODUCTION

The Hamburg Central School District is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

The District has a set of expectations for conduct on school property and at school functions for all people. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, integrity, and dignity.

In accordance with the **Dignity for All Students Act**, School District policy and practice must 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/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

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

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

## DEFINITIONS

**Disruptive student** – an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

**Parent** – parent, guardian or person in parental relation to a student.

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**School Property** – in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

**Violent student** – a student under the age of 21 who:

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

**Weapon** – a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## STUDENT RIGHTS AND RESPONSIBILITIES

The District is committed to safeguarding the rights given to all students under state and federal law. However, with all rights come responsibilities. We believe that by accepting and fulfilling appropriate responsibilities, students will value the resulting privileges. This Code of Conduct is meant to be preventative in nature; in the event of unacceptable behavior, students will be required to accept consequences, or loss of privileges. We will maintain contact with parents and guardians to ensure that the policies and consequences of the Code are understood and successfully implemented.

## Hamburg High School Rights and Responsibilities

This Section of the Code of Conduct is an expression of the rights and responsibilities that are expected of students at Hamburg High School.

### Rights

It is the Student's Right To:

1. Attend school in the District in which the parent or legal guardian resides.
2. Expect that the school will be a safe and orderly place for all students to pursue an education.
3. Expect their school and community to provide clean, safe, and functional school facilities.
4. Express opinions verbally or in writing.
5. Be afforded an opportunity to develop school publications such as school newspapers and the yearbook.
6. Express oneself as it relates to dress and physical appearance.
7. Be represented by an active student government.
8. Participate in after school activities, clubs, student government, athletics, dances and other school functions.
9. Be afforded an opportunity to respond (due process) in the event of a disciplinary action.
10. 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.

### Responsibilities

It is the Student's Responsibility To:

- Attend school daily, except in the case of legal excuse.
- Follow classroom, hall, bus and school rules and procedures. Encourage other students to conduct themselves in accordance with these rules.
- Do all that can be done to maintain such an environment and not engage in such activities which detract from school facilities.
- Express thoughts in a manner which is not slanderous or obscene. The expression should not incite others to damage property, do physical harm, break school rules or criminal laws.
- Refrain from libelous and obscene statements and observe the rules of responsible journalism.
- Refrain from dressing in a manner which causes distraction with regard to the educational process.
- Take an active part in student government through informed participation.
- Be aware of and abide by all rules and regulations which govern the student body in order to avoid disciplinary action.
- Be truthful and respectful when responding to authority.
- 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.

## Hamburg Middle School Student Rights and Responsibilities

This Section of the Code of Conduct is an expression of the rights and responsibilities that are expected of students at Hamburg Middle School.

### Rights

With every right comes a responsibility...

1. To attend school daily and to be granted the opportunity to receive a good education.
2. To be made aware of the school rules and policies, and to always be treated in a manner consistent with these policies in all disciplinary matters.
3. To have the opportunity to present your version of the facts and circumstances in all disciplinary matters.
4. To take part in all school activities on an equal basis regardless of race, sex, religion, national origin, or disability.
5. To be safe in the school environment.
6. To not be intimidated or harassed by others.
7. To dress according to personal taste.
8. To attend school in a facility that is clean, safe and functional.
9. To be afforded an opportunity to develop school publications such as school newspapers and the yearbook.
10. 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.

### Responsibilities

It is the Student's Responsibility To:

- To attend school regularly and on time, perform assignments, and strive to do the highest quality work possible.
- To be familiar with the Hamburg Middle School Code of Conduct, obey the rules it contains, and conduct yourself in a manner not distracting to others.
- To be truthful and respectful when responding to authority.
- To work to the best of your ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- To behave in a manner that will not jeopardize the safety and well-being of yourself or others.
- To respect one another, and treat others in the manner that you would want to be treated.
- To dress in a manner not distracting to others, and in accordance with school policy.
- To maintain a clean environment by not littering or destroying school property or the property of others.
- To refrain from libelous and obscene statements and observe the rules of responsible journalism.
- 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.

## **Elementary Student Rights and Responsibilities**

This Section of the Code of Conduct is an explanation of the behavior that is expected of students in our elementary schools.

### **Rights**

1. Be respected by teachers, students and other staff.
2. Have access to school materials and equipment (books, computers, playground facilities, etc.)
3. Be safe in the school environment.
4. Be listened to by teachers, students and other staff.
5. Be treated kindly.
6. Attend school with attention to personal cleanliness and appropriate dress.
7. Not be bullied or teased by others either with hands or words.
8. To be protected from negative situations based on differences that occur at school events.

### **Responsibilities**

- Show respect for adults and students.
- Show proper use of these items.
- Behave in a way that does not affect the safety of themselves and others.
- Listen to adults and each other respectfully.
- Follow character education guidelines established by your school.
- Be clean and dress in a manner that is not distracting.
- Respect one another and treat others the way they would like to be treated.
- To respect one another. To behave in a way that supports an environment that is free from intimidation, discrimination, and harassment. To report and encourage others to report when they see negative events occurring.

## **ESSENTIAL PARTNERS**

Parents or guardians, teachers, building administrators the Board of Education, Superintendent, student support service personnel and other building staff are an integral part of a student's educational experience. Open communication among all parties is foremost, each has particular expectations with regard to their roles:

### **Parents or Guardians**

All parents or guardians are expected to:

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.
3. Ensure that children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Know school rules and help their children understand them.
7. Convey to their children a supportive and respectful attitude towards education and the District.
8. Participate in the school community by maintaining open relationships with the teachers and school personnel.
9. Help children understand appropriate behavior with respect to peers and staff and how to address problems that may arise.
10. Inform school officials of any home situations which may affect student performance that parents feel the school should be aware of wherein the school may offer assistance.
11. Encourage good study habits and help, to the extent possible, insure that 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/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
13. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
14. Parents will attend a drug and alcohol forum prior to child entering 9<sup>th</sup> grade which will allow the child to participate in any high school special event. (See attached letter)



## ***Drug and Alcohol Parent Forum Letter***

Dear Parent & Guardian,

The Hamburg Central School District, like many schools and communities across the nation, is engaged in a constant effort to keep its students healthy, safe and free of the abuse of alcohol and other drugs. Surveys show that kids who stay drug-free cite parental disapproval as the main reason they abstain. Unfortunately, too few kids report having had meaningful discussions with their parents about alcohol and other drugs.

In an effort to educate parents about the growing concerns of students using and experimenting with drugs and alcohol, our strategy is to require that one parent or guardian attend our District's Drug & Alcohol Parent Forum. In coordination with The Village and Town of Hamburg Police Department and WNY United Against Drug & Alcohol Abuse Inc., the Drug & Alcohol Parent Forum is a 90-minute program that addresses recognition of drugs and drug paraphernalia, signs and symptoms of abuse, health risks associated with abuse and your liability as a parent for hosting and/or purchasing alcohol and other drugs.

You must attend the Forum if your child is in 9<sup>th</sup> – 12<sup>th</sup> Grade to allow your child to participate in any High School special event. Special events include but are not limited to: school dances (Homecoming dance and others), overnight field trips (music, athletic and classroom-related), the Junior Prom and the Senior Prom.

One adult per household is required to attend one session. Once met, this requirement is valid for the four-year high school career of your child/children. Please plan on attending one of the following sessions:

Thank you in advance for your compliance and for your support of this important effort to prevent substance abuse in our school and community. If you have questions or concerns please feel free to contact us at:

Sincerely,

Superintendent of Schools

## Teachers and Teachers' Aides

All District teachers and teachers' aides are expected to:

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/gender identity, or sex, 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 and/or provide instructional support using the best educational strategies available and keeping a current knowledge of the subject matter.
3. Know school policies and rules, abide by them and enforce them in a fair and consistent manner.
4. Communicate, as appropriate to the respective roles, to students and parents:
  - a) Course objectives and requirements.
  - b) Marking/grading procedures.
  - c) Assignment deadlines.
  - d) Expectations for students.
  - e) Classroom discipline plan.
  - f) The best method of communication between parent and teacher.
  - g) Ensure that each student is benefiting from all necessary and available support services.
5. Communicate regularly, as appropriate to the respective roles, with students, parents and other teachers and support service personnel concerning growth and achievement as well as areas of concern or need for support.
6. Maintain appropriate confidentiality about all personal information and educational records concerning staff, students and their families.
7. Set a good example for students and colleagues by demonstrating dependability, integrity, respect and other standards of ethical conduct.
8. Encourage students to take advantage of all available activities and support services.
9. 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.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. 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.
12. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **Student Support Service Personnel**

Student support service personnel including counselors, social workers, psychologists, speech, physical and occupational therapists, as well as other health-related personnel, provide educationally related services to students. Their responsibility is to:

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, respect and other standards of ethical conduct.
5. Maintain appropriate confidentiality about all personal information and educational records concerning staff, students and their families.
6. 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. Coordinate Intervention Support Services, as needed, with student, parent, building principal and teachers.
7. Regularly review with students their educational progress, career plan, and graduation requirements.
8. Provide information to assist students with career planning.
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/gender identity, or sex, 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. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **Building Administrators**

All building administrators, principals and assistant principals, are expected to:

1. Promote a safe, orderly, respectful and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, staff and parents have the opportunity to communicate regularly with the building administrators and approach them for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support academic goals and the development of and participation in appropriate extra-curricular activities and support services.
5. Be responsible for enforcing and abiding by the Code of Conduct in insuring that all cases are resolved promptly and fairly.
6. Maintain appropriate confidentiality about all personal information and educational records concerning staff, students and their families.
7. Set a good example for students and staff by demonstrating dependability, integrity, respect and other standards of ethical conduct.
8. 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
9. 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).
10. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **Other School Staff and Volunteers**

Other school staff perform non-instructional duties that support the academic and operational functioning of the school. They are expected to:

1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity, respect and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain appropriate confidentiality about all personal information and educational records concerning staff, students and their families.
5. 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/gender identity, or sex, with an

understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

6. 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.
7. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **Superintendent**

The Superintendent is expected to:

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 and community 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. Know school rules and abide by them and work with District administrators in enforcing the Code of Conduct and insuring that all cases are resolved promptly and fairly.
6. Set a good example for students and all school personnel by demonstrating dependability, integrity, respect and other standards of ethical conduct.
7. Maintain appropriate confidentiality about all personal information and educational records concerning students and their families.
8. Ensure that students and staff have the opportunity to communicate regularly with the Superintendent and approach the Superintendent for redress of grievances.
9. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **Board of Education**

The Board of Education is expected to:

1. Ensure that the community and staff have the opportunity to communicate regularly with the Board, collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
2. Periodically review the District's Code of Conduct in order to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Appoint a Dignity Act Coordinator 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/gender identity, and sex. 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 Board meetings in a professional, respectful and courteous manner and by demonstrating dependability, integrity, respect and other standards of ethical conduct in all other areas.
5. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
6. Maintain appropriate confidentiality about all personal information and educational records concerning staff, students and their families.

## **Dignity for All Students Act (DASA) Coordinator**

All district dignity act coordinators (at least one per building) are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender.
3. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.
4. Accept reports regarding violations and conduct investigations as appropriate.
5. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.

## **STUDENT DRESS CODE/CIVILITY**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process. Extremely brief garments and see-through garments are not appropriate.
2. Ensure that underwear is covered with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats in the classroom except for a medical or religious purpose unless otherwise authorized by the school.
5. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, or disability.
6. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.

### **Student 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, obscene, offensive, 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, or disability.

## **PROHIBITED STUDENT CONDUCT**

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

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

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

Students who will not accept responsibility for their own behavior or who violate these school rules will be required to accept the consequences for their conduct. 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, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

Students may be subject to disciplinary action, up to and including expulsion from suspension from school, when they engage in or promote:

**A. Conduct That is Disorderly**

Examples of disorderly conduct include, but are not limited to:

- 1) Running in hallways.
- 2) Making unreasonable noise.
- 3) Using language or gestures that are profane, lewd, vulgar or abusive.
- 4) Obstructing vehicular or pedestrian traffic.
- 5) Engaging in any willful act which disrupts the normal operation of the school community.
- 6) Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- 7) Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy. This includes unauthorized videotaping and altering pictures and/or video digitally.
- 8) Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- 9) Pulling a fire alarm, discharging a fire extinguisher, pulling an AED alarm and/or calling 911 without cause.

**B. Conduct That is Insubordinate**

Examples of insubordinate conduct include, but are not limited to

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- 2) Lateness for, missing or leaving school without permission.
- 3) Skipping detention.

**C. Conduct That is Disruptive**

Examples of disruptive conduct include, but are not limited to:



- 1) Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of student.
- 2) Being unprepared for class (repeated, disruptive to classroom procedures)

**D. Conduct That is Violent**

Examples of violent conduct include, but are not limited to:

- 1) Threatening/Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
- 2) Threatening/Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
- 3) Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- 4) Displaying what appears to be a weapon.
- 5) Threatening to use any weapon.
- 6) Intentionally damaging, vandalizing, and/or destroying the personal property of a student, the district, a teacher, an administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- 7) Intentionally damaging or destroying school District property.
- 8) Engaging in harassing 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 well – being.
- 9) Communicating, by any means, including oral, written or electronic (such as through the Internet or email) off school property, where the content of such communication:
  - (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or,
  - (b) results in material or substantial disruption to the educational environment.

**E. Conduct That Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include, but are not limited to:

- 1) Lying to school personnel.
- 2) Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals 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, etc.).

- 4) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
- 5) Harassment, 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 based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- 6) Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- 7) "Electronic bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- 8) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending, displaying, forwarding, or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- 9) 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.
- 10) Selling, using, or possessing obscene material
- 11) Using vulgar or abusive language, cursing or swearing.
- 12) Smoking a cigarette, cigar, pipe, vapor cigarette or using chewing or smokeless tobacco.
- 13) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal/unauthorized substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia, other substances (including vapor cigarettes and associated liquated substances: as well as synthetic marijuana, K2/Spice and Bath Salts), prescription medication, dietary supplements, weight loss pills and any substance commonly referred to as "designer drugs.
- 14) Inappropriately using or sharing prescription and over-the-counter drugs.
- 15) Gambling and gaming.
- 16) Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

## **F. Misconduct While on a School Bus**

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. *It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.*

## **G. Academic Misconduct**

Examples of academic misconduct include, but are not limited to:

- 1) Plagiarism.
- 2) Cheating.
- 3) Copying.
- 4) Altering records.
- 5) Assisting another student in any of the above actions.

Student handbooks will further address levels of infractions.

## **H. Cyberbullying**

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, discriminating, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures of images, or website postings (including blogs) which as the effect of:

1. Physically, emotionally or mentally harming a student.
2. Placing a student in reasonable fear of physical, emotional or mental harm.
3. Placing a student in reasonable fear of damage to or loss of personal property.
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

All forms of bullying are unacceptable and, to the extent that such actions are disruptive of the educational process of the School District, offenders shall be subject to appropriate staff intervention, which may result in administrative discipline. Complaints of bullying or cyberbullying shall be investigated promptly, and corrective action shall be taken when a complaint is verified. The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of the cyber-bullying complaint.

The term "bullying" and "cyberbullying" shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct. The absence of a specific rule will not be license or reason for showing disrespect or limiting the rights of others.

## **REPORTING VIOLATIONS**

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

All District staff 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.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

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

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

## **Penalties**

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the District staff and others authorized by school personnel.
2. Written referral – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, administrators
3. Written notification to parent – bus drivers, coaches, guidance counselors, teachers, administrators
4. Detention – teachers, administrators
5. Suspension from transportation – director of transportation, administrators
6. Suspension from athletic participation – coaches, administrators
7. Suspension from social or extracurricular activities – club advisors, administrators
8. Suspension of other privileges – administrators
9. In-school suspension – building administrators and Superintendent
10. Removal from classroom by teacher – teachers, principal/designee
11. Short-term (five days or less) suspension from school – principal, Superintendent, Board of Education
12. Long-term (more than five days) suspension from school – Superintendent, Board of Education
13. Permanent suspension from school – Superintendent, Board of Education.

## **Procedures**

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

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

### **1. Detention**

Teachers, principals and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

### **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 to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

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

3. Suspension from athletic participation, extracurricular activities and other privileges

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

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/designee 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." The in-school suspension teacher will be a certified teacher.

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

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using best-practice classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting under the supervision of the teacher.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

The specific examples of what constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the population of students educated within each program. To that end, each building will establish examples of and parameters for:

- A substantial disruption for formal removal by teacher
- A substantial interference for formal removal by teacher
- The length of time for a formal removal (not to exceed 2 days)
- The place the student is removed to appropriate activities engaged in during the formal and supervision provided.
- The process for student re-entry to the classroom.

The procedural requirements for a formal removal by a teacher of a student are:

- 1) If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being formally 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 formally remove a student from class.
- 2) If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.
- 3) The teacher must complete a District form for a formal removal by a teacher 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 formal removal and to present the form for a formal removal by a teacher. If the principal or designee is not available by the end of the same 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.
- 4) Within 24-hours after the student's formal removal by a teacher, the principal or another District administrator designated by the principal must notify the student's parents, in writing, that the student has been formally removed from the 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 formal removal.
- 5) The written notice must be delivered to the last known address of the parents through one or more of the following means: delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal by a teacher. 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.
- 6) The principal may require the teacher who ordered the formal removal to attend the informal conference.
- 7) If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was formally removed and give the students 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 formal removal by a teacher. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.
- 8) The principal or the principal's designee may overturn the formal removal of the student from class if any one of the following are found:
  - a) The charges against the student are not supported by substantial evidence.
  - b) The student's formal removal is otherwise in violation of law, including the District's Code of Conduct and/or federal or state laws regarding the education of students with disabilities.
  - c) The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.
- 9) The principal or his or her designee may overturn a formal removal by a teacher 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

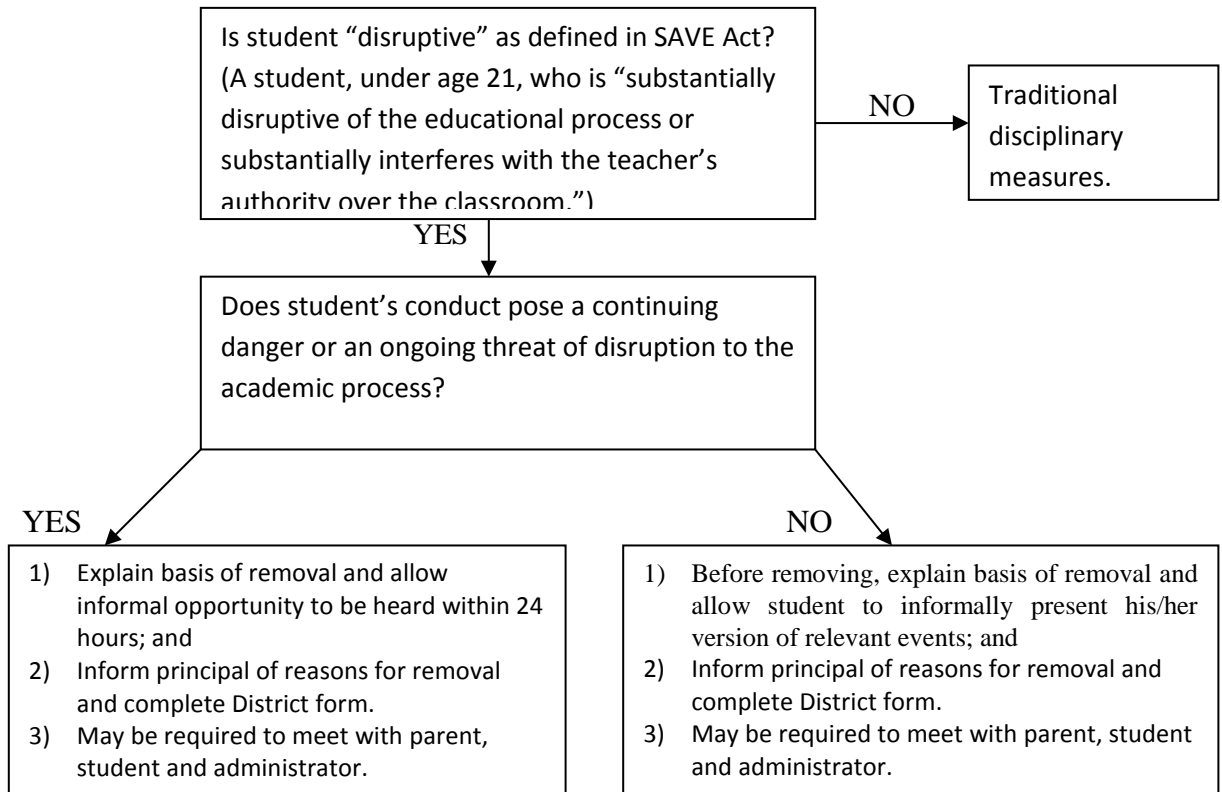
student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of the formal removal expires, whichever is less.

- 10) Any disruptive student who is formally removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by a certified teacher in an alternate setting until the student is permitted to return to the classroom.
- 11) Each teacher must keep a complete log (on District form) for all cases of formal removal of students from his or her class. The principal/designee must keep a building log of all formal removals by teachers of students from class.

The following flow chart details the responsibilities of the teacher and principal when a disruptive student has been removed from the classroom.



# REMOVAL OF DISRUPTIVE STUDENT BY TEACHER



## PRINCIPAL'S RESPONSIBILITIES TRIGGERED BY TEACHER REMOVAL

- 1) Within 24 hours of removal **principal/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 an 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.

6. Suspension from school

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

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

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

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

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

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. 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 established.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the Superintendents’ decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

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

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted within 20 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

**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.

**MINIMUM PERIODS OF SUSPENSION**

Students who bring a firearm to school – A student found guilty of bringing a firearm, as defined by Guns-Free School Act, onto school property will be subject to suspension from school for at least one 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:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

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

Students who commit violent acts other than bringing a firearm to school

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

Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

A student who repeatedly is substantially disruptive of the educational process (see definition on page 2) or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm. A student with a disability may be suspended only in accordance with law.

**Referrals**

1. Counseling

The Counseling Center shall handle all referrals of students to counseling.

2. PINS Petitions – ANOTHER TERM, process, age

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 a habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b) Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c) Knowingly and 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. Juvenile Delinquents and Juvenile Offenders

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

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

The Superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **ALTERNATIVE INSTRUCTION/CONTINUOUS EDUCATIONAL PROGRAMMING**

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

## **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.

### **Authorized Suspensions or Removals of Students with Disabilities**

1. For purposes of this section of the Code of Conduct, the following definitions apply.

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

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a) The Board, the District (BOCES) Superintendent of schools or 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 five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c) The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - (1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. Section 930(g)(w) 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 ½ inches in length.
    - (2) “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.
    - (3) “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.
3. 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.

### **Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a) for more than 10 consecutive school days; or

- b) for more than 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

1. The District's Committee on Special Education shall:
  - a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District 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.

- b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. 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.
    - a) 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.

- b) 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:
- (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
  - (2) 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.

3. 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.

4. 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.
5. 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.
6. 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.
7. 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.



## **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.
    - (1) 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.
    - (2) 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.
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.

## **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.

## **PHYSICAL FORCE/PHYSICAL RESTRAINT**

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

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

- 1) Protect oneself, another student, teacher or any person from physical injury.
- 2) Protect the property of the school or others.

- 3) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

## **STUDENT SEARCHES AND QUESTIONING OF STUDENTS**

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

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

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable information. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

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

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

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

### **Other Searches**

More intrusive searches may occur by authorized personnel in accordance with Board policy and law.

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

## **Police Involvement in Searches and Questioning of Students**

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

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

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 believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## **VISITORS TO THE SCHOOLS**

Since schools are a place of work and learning certain limits must be set for visits and visitors. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. Prior to entering the building, all visitors must show government issued identification and state intent. They will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge upon exiting.
3. Visitors attending school functions that are open to the public, such as Parent-Teacher Organization meetings or public gatherings, are not required to register.
4. Visitors attending school functions during the school day, such as Mother's Day Tea or Student Recognition Events, must show government issued identification before entering the school building.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s)/building principal and/or designee in accordance with building procedures, so that class disruption is kept to a minimum.
5. Visitors are expected not to take class time to discuss individual matters with teachers.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

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

### **Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Make threats of violence.

4. Disrupt the orderly conduct of classes, school programs or other school activities.
5. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
6. Engage in behaviors that are harassing, bullying, and/or discriminatory.
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. Violate the traffic laws, parking regulations or other restrictions on vehicles;
10. 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.
11. Possess or use weapons 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.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
17. Use inappropriate language.

### **Penalties**

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

1. **Visitors.** They shall be subject to immediate ejection and, as the facts may warrant, suspended from being allowed on the premises of all school buildings and grounds for some period of time. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of determination.
2. **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. **Tenured faculty members.** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. **Staff members other than those described in subdivisions 3 and 4 (including members of the Board of Education).** They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with New York State Education Law.

## **Enforcement**

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

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

## **DISSEMINATION AND REVIEW**

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

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

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 on the District website at [www.hamburgschools.org](http://www.hamburgschools.org).
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. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
7. Making copies of the Code available for review by students, parents and other community members.

The Code of Conduct shall be reviewed with District Staff members. Before adopting any revisions to the Code, the Board shall hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The District shall also file a copy of its Code of Conduct and any amendments with the Commissioner of Education no later than thirty (30) days after its adoption by the Board of Education.