

# **HAMBURG CENTRAL SCHOOL DISTRICT**

*CODE OF CONDUCT*

*2022-2023 School Year*

*Adopted: July 12, 2022*

**HAMBURG CENTRAL SCHOOL**  
**DISTRICT CODE OF CONDUCT**

**TABLE OF CONTENTS**

Introduction.....2

Definitions .....3

Student Rights and Responsibilities .....5

Essential Partners .....7

Student Dress Code/Civility .....15

Prohibited Student Conduct .....16

Harassment.....21

Title IX Notice of Nondiscrimination.....21

Disciplinary Procedures, Penalties & Referrals.....22

Minimum Periods of Suspension.....28

Alternative Instruction .....30

Discipline of Students with Disabilities.....30

Physical Force/Physical Restraint.....35

Student Searches and Interrogations.....35

Visitors to Schools .....38

Public Conduct on School Property.....39

Dissemination and Review .....41

# 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, including off-campus, remote or virtual learning activities, for all people. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, integrity, and dignity. It is imperative that all members of our school community show respect for others, understand and be aware of the consequences of their actions, be accountable for those actions and contribute toward the maintenance of a safe environment. Actions should be guided by respect and responsibility. Any actions that impede student progress or the educational process will not be tolerated.

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”).

Any supplementary building level codes of conduct shall be consistent with this Code, although the District recognizes that there are differences unique to age levels and student needs.

Unless otherwise indicated, this Code applies to all students, school personnel, parents, Board members and other visitors when on school property or attending a school function. Please note that this Code also applies to all off-campus learning, including off-campus, remote or virtual learning activities. In addition, the District reserves the right to impose discipline for acts that violate this Code and occur off school property where the conduct endangers the health or safety of students, substantially disrupts school operations or otherwise adversely affects the educational process.

## DEFINITIONS

**Controlled Substances** – include 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.

**Cyberbullying** – use of technology, internet, social media or other electronic means or communication to engage in bullying or harassment, as defined below. Cyberbullying may result in disciplinary action regardless of whether it occurs on or off school property. To the extent this Code refers to “bullying,” that term shall also include cyberbullying unless otherwise noted.

**Discrimination** – negative action that is taken on the basis of a person's actual or perceived race, age, sexual orientation, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender/gender identity or expression, marital status, veteran status, military status, use of a recognized guide dog, hearing dog or service dog, disability, or any other protected status under applicable law.

**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.

**Educational Process** – refers to the overall school experience and is not limited to academics.

**Harassment / Bullying** – creating a hostile environment by conduct or verbal threats, intimidation or abuse, including cyberbullying, that (a) 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 well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, gender, sexual orientation, gender identity or expression, military status or marital status. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

**Illegal Drugs** – 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."

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

**Plagiarism** – the use or close imitation of the language and ideas of another author and representation of them as one’s own original work. This includes copying from electronic sources (e.g., the internet), even with minor alterations.

**School Community** – includes all District employees, students, parents and members of the Hamburg community who have an interest in the District.

**School Function** means a school sponsored extracurricular event or activity, regardless of where such event or activity takes place. School function also includes all forms of off-campus learning activities, such as, for example only, remote, virtual or online learning activities.

**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 gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. Displays, while on school property or at a school function, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
5. Threatens, while on school property or at a school function, to use any instrument that appears capable of causing physical injury or death;
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; or
7. Knowingly and intentionally damages or destroys school District property.

**Weapon** – Unless otherwise specified, a weapon includes (1) a firearm as defined in 18 USC § 921 for purposes of the Gun-Free Schools Act; (2) any of the following dangerous instruments: a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun; a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife; a billy club, blackjack, bludgeon, chukka stick, or metal knuckles; a sandbag or sandclub; a sling shot or slungshot; a martial arts instrument, including but not limited to a kung fu star, ninja star, nun chuck, or shirken; an explosive, including but not limited to a firecracker or other fireworks; a deadly or dangerous chemical, including but not limited to a strong acid or base, mace, or pepper spray; an imitation gun; loaded or blank cartridges or other ammunition; or any other dangerous or deadly instrument possessed with intent to use the same unlawfully against another; (3) a weapon as defined in 18 USC § 930(g)(2); or (3) 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.

	<b><u>Rights</u></b>	<b><u>Responsibilities</u></b>
	<b>It is the Student's Right To:</b>	<b>It is the Student's Responsibility To:</b>
1.	Attend school in the District in which the parent or legal guardian resides	Attend school daily, except in the case of legal excuse.
2.	Expect that the school will be a safe and orderly place for all students to pursue an education	Follow classroom, hall, bus and school rules and procedures. Encourage other students to conduct themselves in accordance with these rules.
3.	Expect their school and community to provide clean, safe, and functional school facilities	Do all that can be done to maintain such an environment and not engage in such activities, which detract from school facilities.
4.	Express opinions verbally or in writing	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
5.	Be afforded an opportunity to develop school publications such as school newspapers and the yearbook	Refrain from libelous and obscene statements and observe the rules of responsible journalism
6.	Express oneself as it relates to dress and physical appearance	Refrain from dressing in a manner, which causes a substantial disruption to the educational process
7.	Be represented by an active student government	Take an active part in student government through informed participation
8.	Be afforded the opportunity to participate in after school activities, clubs, student government, athletics, dances and other school functions to the extent those activities are offered by the school.	Be aware of and abide by all rules and regulations which govern the student body in order to avoid disciplinary action
9.	Be afforded an opportunity to respond (due process) in the event of a disciplinary action	Be truthful and respectful when responding to authority
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	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.

	<b><u>Rights</u></b>	<b><u>Responsibilities</u></b>
	With every right comes a responsibility...	It is the Student's Responsibility To:
1.	To attend school daily and to be granted the opportunity to receive a good education	To attend school regularly and on time, perform assignments, and strive to do the highest quality work possible
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	To be familiar with the code of conduct, obey the rules it contains and conduct yourself in a manner not distracting to others
3.	To have the opportunity to present your version of the facts and circumstances in all disciplinary matters	To be truthful and respectful when responding to authority
4.	To take part in all school's activities on an equal basis regardless of race, sex, religion, national origin or disability	To work to the best of your ability in all academic and extracurricular activities, as well as being fair and supportive of others
5.	To be safe in the school environment	To behave in a manner that will not jeopardize the safety and well-being of yourself or others.
6.	To not be intimidated or harassed by others	To respect one another, and treat others in the manner that you would want to be treated
7.	To dress according to personal taste	To dress in a manner that does not cause a substantial disruption to others' learning, and in accordance with school policy
8.	To attend school in a facility that is clean, safe and functional	To maintain a clean environment by not littering or destroying school property or the property of others.
9.	To be afforded an opportunity to develop school publications such as school newspaper and the yearbook	To refrain from libelous and obscene statements and observe the rules of responsible journalism
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	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.

### 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:

	<b><u>Rights</u></b>	<b><u>Responsibilities</u></b>
	With every right comes a responsibility...	It is the Student's Responsibility To:
1.	Be respected by teachers, students and other staff	Show respect for adults and students
2.	Have access to school material and equipment (books, computers, playground, facilities, etc.)	Show proper use of these items
3.	Be safe in the school environment	Behave in a way that does not affect the safety of themselves and others.
4.	Be listening to by teachers, students, and other staff	Listen to adults and each other respectfully
5.	Be treated kindly	Follow character education guidelines established by your school
6.	Attend school with attention to personal cleanliness and appropriate dress	Be clean and dress in a manner that does not cause a substantial disruption to others' learning
7.	Not be bullied or teased by others with hands or words	Respect one another and treat others the way they would like to be treated
8.	To be protected from negative situations based on differences that occur at school events	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 other to report when they see negative events occurring

1. Recognize that the education of their children is a joint responsibility of the parents or guardians and school community and contact staff following the chain of command appropriately.
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, ensure 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. Use appropriate judgement when taking pictures of their own child in a school setting and posting on social media.
15. Be familiar and comply with the District's health and safety protocols to help prevent the spread of infectious disease.
16. 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 letter below).



Dear Parent &  
Guardian,

## Pupil Services Office

Administration Building  
5305 Abbott Rd.

The Hamburg Central School District, like many schools and communities across the nation, is engaged in a constant effort to keep our students healthy, safe and free of the abuse of alcohol and other drugs. In order to educate parents about the growing concerns of students using and experimenting with drugs and alcohol, we require that one parent or guardian attend our District's **Drug & Alcohol Parent Forum**. In coordination with the local Police Department and WNY United Against Drug & Alcohol Abuse Inc., the **Drug & Alcohol Parent Forum** is a 60-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, and social media trends.

**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 Ball.

**The next Drug and Alcohol Parent Forums are scheduled for:**

Thank you in advance for your understanding and for your support of this important effort to prevent substance abuse in our school and community. If you have questions or think that you may have received this letter in error, please feel free to contact us at: (716) 646-3200

Sincerely,

Michael Cornell  
Superintendent

### 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. This includes but is not limited to the District's health and safety protocols to help prevent the spread of infectious disease.
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. Address issues of discrimination or 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, and report those issues to a supervisor.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. Report incidents of bullying, discrimination or harassment that are witnessed or otherwise brought to a teacher's or teacher aide's attention to the building administrator, Title IX Coordinator and/or Dignity Act Coordinator (DAC) in a timely manner.
12. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
13. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups.

### **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. This includes but is not limited to the District's health and safety protocols to help prevent the spread of infectious disease.
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 bullying, discrimination or harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator, Title IX Coordinator and/or Dignity Act Coordinator (DAC) in a timely manner.
12. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
13. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups.

### **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. This includes but is not limited to compliance with the District's health and safety protocols to help prevent the spread of infectious disease.

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. Report incidents of bullying, discrimination or harassment that are witnessed or otherwise brought to the administrator's attention to the building principal, Title IX Coordinator and/or Dignity Act Coordinator (DAC) in a timely manner, and follow up on any such incidents in a timely manner in collaboration with the Title IX Coordinator or DAC, as appropriate.
10. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
11. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups.

### **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. This includes but is not limited to compliance with the District's health and safety protocols to help prevent the spread of infectious disease.
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, Title IX Coordinator and/or Dignity Act Coordinator (DAC) in a timely manner
7. Model behavior that is free from harassment, bullying, cyberbullying, and/or discrimination.
8. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against District policy. Employees are expected to maintain a professional, ethical relationship with students and all other District stakeholder groups

### **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 ensuring 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 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.

6. Dignity Act Coordinators for the 2022-2023 school year are as follows:

Armor Elementary School	Wendy Castiglia-Amato	716-646-3350
Boston Valley Elementary School	Lindsay Ferry	716-646-3240
Charlotte Avenue Elementary School	Andrea Czerwinski	716-646-3370

Union Pleasant Elementary School	Heather Cantie	716-646-3280
Middle School	Jill Crossetta	716-646-3250
High School	Tina LaMendola, Nevia Ramos	716-646-3300
District	Colleen Kaney	716-646-3200

## STUDENT DRESS CODE

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

A student's dress, grooming and appearance, including accessories, hair style etc., shall:

1. Be safe, appropriate and not substantially 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. Footwear is required at all times. Footwear that maybe a safety hazard will not be allowed.
4. Specific dress requirements may be required by the District for students participating in activities in which clothing and accessories (i.e., long baggy clothes, jewelry) may be a safety or health concern, such as science laboratories, physical education and interscholastic athletics.
5. Not include items that present a threat to the student's, or another student's, health or safety.
6. Not include the wearing of hats in the classroom except for a medical or religious purpose or unless otherwise authorized by the school.
7. Not include items that are lewd, vulgar, obscene, suggestive (of a sexual nature), libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability or any other protected class under federal, state, or local law.
8. Not promote and/or endorse the use of alcohol, tobacco, smoking paraphernalia or illegal drugs/substances and/or encourage other illegal or violent activities.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any staff member who believes a student to be in violation of the dress code should report the student to a building administrator. The determination as to whether a student is in violation of any portion of the dress code will be at the sole discretion of building administration. Building administrators have the authority to require a student to change, cover, remove, replace or modify his/her/their attire should the administrator deem the attire violate the dress code. Any student who



refuses an administrators directive relating to his/her/their attire, or who repeatedly violates the dress code, may be subject to disciplinary action, up to and including out-of-school suspension.

Each building principal or his/her/their designee shall be responsible for informing all students and parents/guardians of the student dress code at the beginning of the school year and whenever a revision to the dress code is made during the school year.

### **Student Language Code**

All students are expected to use appropriate, courteous and respectful language while on school property or attending school functions. They are expected to use language that is consistent with demonstrating respect for themselves and others.

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. Inappropriate language or gestures will not be tolerated and appropriate disciplinary action may be taken.

## **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 may be subject to disciplinary action, up to and including suspension from school or removal from a program, or in extraordinary circumstances, permanent suspension, 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 during off-campus learning (e.g. remote/virtual learning activities); or engage in any form of academic misconduct, including work/internship sites.

Please also note that measures will be taken to immediately address any situations where a student fails or refuses to follow the District's health and safety protocols to help prevent the spread of infectious disease. The specific measures may range from a verbal reminder to potential disciplinary action, depending on the circumstances. If a student is unable to comply with any particular health and safety protocols for medical reasons, it is imperative that the student or parent contact the District's Pupil Services office to discuss the matter as soon as possible.

In addition, students may be subject to disciplinary action for conduct that occurs off school property where the conduct endangers the health or safety of students, substantially disrupts school operations or otherwise adversely affects the educational process.

### **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 act which disrupts the normal operation of the school community or the educational process, including but not limited to off campus learning (e.g., remote/virtual learning activities).
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, cell phone 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.
10. Endangerment or harassment (e.g., bullying, intimidation) of others.

**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.
4. Failing or refusing to comply with the District's health and safety protocols to help prevent the spread of infectious disease.

**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, or otherwise demonstrating disrespect.
2. Being unprepared for class (repeated, disruptive to classroom procedures).

3. Interfering with classes, District activities, school functions, or the educational process (including off-campus learning), such as by means of inappropriate appearance or behavior, per this Code.
4. Repeated violations of this Code or school rules.

**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 or using 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, or at a school function, including graffiti or arson.
7. 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.
8. 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.
9. Subjecting individuals to danger by throwing objects, intentionally or recklessly, that could result in a grave risk of death or serious physical injury.

**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, videos, etc.).
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, 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, bullying, cyberbullying or intimidation, including but not limited to actions or statements that put an individual in fear of bodily harm and/or emotional discomfort.
6. 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.
7. 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.
8. Selling, using, possessing, attempting to possess or distributing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Possessing, consuming, selling, attempting to sell, attempting to possess, distributing or exchanging alcoholic beverages, tobacco, tobacco products, any form of cannabis or cannabis products, e-cigarettes and vaping products/devices, 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.
11. Inappropriately using or sharing prescription and over-the-counter drugs.
12. Gambling and gaming.
13. Inappropriate touching and/or indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
14. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior
15. Initiating or reporting warning of fire (e.g., pulling a fire alarm) or other catastrophe (e.g., bomb threat or threat of harm from chemical or biological substance) without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
16. Violating personal privacy when using school restroom facilities.
17. Failing or refusing to comply with the District's health and safety protocols to help prevent the spread of infectious disease.

**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, as well as while waiting for the bus, in a manner consistent with established standards for classroom behavior and the expectations and rules set forth in this Code, and in accordance with the District's health and safety protocols to help prevent the spread of infectious disease. Excessive noise, pushing, shoving, fighting, harassment, bullying and discrimination, for example, will not be tolerated.

While the law requires the District to provide transportation to eligible students, it does not relieve the parent(s) or guardian(s) of responsibility for supervision until such time as the student boards the bus in the morning and after the student leaves the bus at the end of the school day. Only after a child boards the bus does he/she become the responsibility of the District. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

If a student does not conduct him/herself properly on a bus, the student's riding privileges may be suspended. Only the building principal, transportation supervisor or Superintendent have the authority to suspend riding privileges. If riding privileges are suspended, the parent(s) or guardian(s) of the student becomes responsible for seeing that their child get to and from school safely. Should the suspension from transportation amount to a suspension from attendance at school, the District will make appropriate arrangements to provide for the student's education, and any such suspension shall be in accordance with the Education Law.

## **G. Academic Misconduct**

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

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify or interfere with the transferring and receiving of electronic communications.
6. Violation of the District's Acceptable Use Policy.
7. Assisting another student to perform any of the above actions, except to the extent such actions are at the direction of a teacher.

## **Harassment, Bullying (including Cyberbullying) and Discrimination**

All forms of harassment, bullying and discrimination against students, whether by District employees or students, are unacceptable and prohibited. Disciplinary action may result regardless of whether the conduct occurred on or off campus where the conduct endangers the health or safety of students, substantially disrupts school operations or otherwise adversely affects the educational process.

Complaints of harassment, bullying or discrimination shall be investigated promptly, and corrective action shall be taken when a complaint is verified.

With respect to such acts between students, a progressive model of student discipline will generally be followed unless the circumstances warrant more severe disciplinary action. Disciplinary action shall include measured, balanced and age-appropriate remedies that make use of prevention, education, intervention and discipline, as appropriate. Factors that shall be considered include the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student, any other extenuating circumstances and the impact the student's behavior(s) had on the victim who was physically injured or emotionally harmed. Responses to confirmed acts of harassment, bullying and discrimination shall be reasonably calculated to end said acts, prevent reoccurrence and eliminate the hostile environment.

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, or any other individuals who, in good faith, reports or assists in the investigation of such a complaint.

Nothing stated herein shall 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.

### **Title IX Notice of Nondiscrimination**

The District does not discriminate on the basis of sex in its educational programs or activities, employment or admissions, and it is prohibited from doing so by law, including Title IX of the Education Amendments of 1972 and its attendant regulations. The District's grievance procedures, which detail steps on how to file or report sexual harassment and how those will be handled by the District, are available at [https://www.hamburgschools.org/our\\_district/documents\\_\\_plans](https://www.hamburgschools.org/our_district/documents__plans)

Any inquiries concerning the application of Title IX should be referred to the District's Title IX Coordinator or to the Assistant Secretary of Education, or both. The District has designated the following individual as its Title IX Coordinator: Colleen Kaney, Assistant Superintendent of Student Services, Curriculum & Instruction ([ckaney@hcsdk12.org](mailto:ckaney@hcsdk12.org)), Brent Jordan, Chief Information Officer ([bjordan@hcsdk12.org](mailto:bjordan@hcsdk12.org)) 5305 Abbott Road, Hamburg NY 14075, 716-646-3200.

### **REPORTING VIOLATIONS**

All students are expected to promptly report violations of this Code to a teacher, guidance counselor, or building administrator. 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, building administrator, 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 this Code to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. All District staff are required and expected to report incidents of bullying, harassment and/or discrimination that are witnessed or otherwise brought to his/her attention.

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 and constituted a crime.

## **DISCIPLINARY, PROCEDURES, PENALTIES 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, taking into account all factors relevant to the severity of the violation. The particular circumstances of a violation may, however, warrant a severe form of disciplinary action even if it is the student's first offense.

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 requirements of this Code and Parts 200 and 201 of the Regulations of the Commissioner of Education 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 that is determined to be related to his/her disability.

Nothing in this Code shall limit the District's authority to impose disciplinary action in circumstances where the conduct in violation of this Code occurs outside of school property or a school function and there is a connection between the conduct and the District such that discipline is appropriate.

## Penalties

Students who are found to have violated the Code 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/activity directors, 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.

**PLEASE NOTE** that, due to the pandemic and the instructional model(s) that may be used by the District during the course of the pandemic, disciplinary penalties may vary from past practices. For example, a violation of this Code that has traditionally resulted in the imposition of detention or in-school suspension may not be appropriate depending on the particular circumstances at hand, and alternative measures or penalties will be used in those scenarios. Students who are found to be repeatedly disruptive to off-campus learning (e.g., remote/virtual learning activities) may be suspended from those activities for an appropriate period of time, in accordance with any and all due process rights to which the students may be entitled. Also, students who refuse or repeatedly fail to comply with the District's health and safety protocols will be subject to disciplinary action up to and including a long-term or permanent suspension from school.

## 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. Detention may be used provided that the school official has informed the student's parent (via telephone or voice message) in advance and there is no parental objection, and the student has appropriate



transportation home following the detention. An alternative form of discipline will be utilized if there is a parental objection.

## 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

Students are expected to abide by the District's Athletic Code of Conduct and all other rules applicable to participating in athletics, extracurricular activities or 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 administrators 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. Notice of such opportunity may be satisfied verbally (e.g., telephone call), email, voice message or letter.

## 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. These practices may include but not be limited to: short-term "time out" in an elementary classroom or administrator's office; sending a student into the hallway briefly; sending a student to the principal's office or other designated office or classroom for the remainder of the class time only; temporary muting or disabling video of a student during off-campus, virtual/remote learning activities; or sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code, 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, whether off-campus, remote, virtual or in-person, for up to two days. The removal from class applies to the class of the removing teacher only.

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

If the disruptive student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. If the 24-hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

The teacher must complete an electronic discipline form for a formal removal by a teacher and meet with the principal or his or her designee as soon as possible, 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.

The principal or his/her designee must inform the student's parents of the removal and the reasons therefor within 24 hours of the removal and, on request, provide the student and his/her parents an opportunity for an informal conference with the principal or his/her designee to discuss the reason for the removal. If the student denies the charges, the principal or his/her designee must provide an explanation of the basis for the removal and an opportunity for the student and/or the student's parents to present the student's version at an informal conference to be held within 48 hours of the student's removal. The timing of the informal conference may be extended by mutual agreement of the parent and principal or his/her designee. The principal may require the teacher who ordered the removal to attend the informal conference.

The principal or his/her designee may set aside the teacher's decision to remove the student from the classroom if the principal or his/her designee finds (i) that the charges against the student are not supported by substantial evidence; (ii) the student's removal is otherwise in violation of law or this Code; or (iii) the conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed. The determination to set aside a classroom removal shall be made by 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 or his/her designee makes a final determination, or the period of removal expires, whichever is less.

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

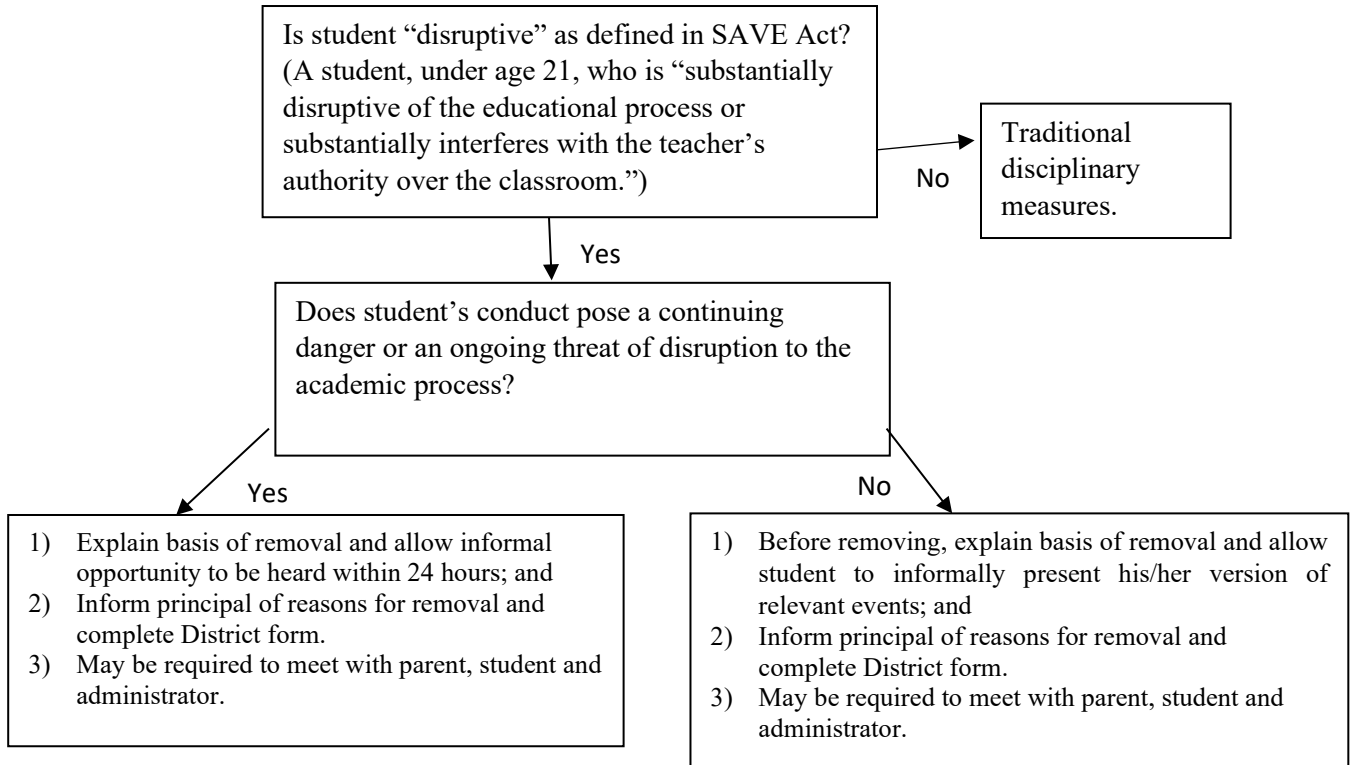
Each teacher must keep a complete log (on a District provided form) for all cases of removal of students from his or her class. The principal or his/her designee must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until the teacher has verified with the building principal or chairperson of the Committee on

Special Education that the removal will not violate the student’s rights under state or federal law or regulation.

The following flow chart summarizes 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 unless mutually extended.
- 4) Principal must decide, by the close of the business on the day following the opportunity for an informal conference, whether the discipline will be overturned, if informal conference requested. 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. Suspension from school includes removal from the academic setting and school-related events.

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. 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 (e.g., email) that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

After the informal 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 5 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 20 business 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 calendar 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 20 business 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 others, where the student exhibits an alarming disregard for the safety of others, and/or where permanent suspension is necessary to safeguard the well-being of students 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 the Guns-Free School Act (*see* 18 USC § 921), 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 § 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 and grade in school.
2. The student's prior disciplinary record.
3. The Superintendent's belief that other forms of discipline may be more effective.
4. The student's intent in possessing the firearm on school property.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student found guilty of bringing a weapon other than a firearm onto school property may also be suspended from school for one calendar year or more, and the Superintendent will consider the factors listed above in determining the length of the suspension. 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 firearm. 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 3) or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this Code, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214(3-a) and this Code on four or more occasions during a semester.

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

The District may file a PINS (person in need of supervision) petition in Family Court per Article 7 of the Family Court Act 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 I 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 any pupil under the age of sixteen who has been determined to have brought to school a weapon or firearm, as those terms are defined in 18 U.S.C. §§ 921(a) and 930(g)(2), to the County Attorney for a juvenile delinquency proceeding before the Family Court, except a student fourteen or fifteen years of age who qualifies for juvenile offender status under [subdivision forty-two of section 1.20 of the Criminal Procedure Law](#).

The Superintendent is required to refer any pupil age sixteen or older, or any student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the Criminal Procedure Law 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 immediate steps to provide alternative means of instruction for the student. “Immediate steps” does not mean that alternative instruction will be provided instantaneously upon removal or suspension of the student. Rather, the District is required to act promptly and with due regard for the nature and circumstances of the particular case. The District will begin providing alternative instruction as soon as practicable, typically within one or two days after the start of the suspension.

## **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, including those set forth in Parts 200 and 201 of the Regulations of the Commissioner of Education. 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, or a 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. 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.
3. 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 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, or the student has inflicted serious bodily injury upon another person while at school, on school premises or at a school function. The following definitions apply to this paragraph:
    - (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.
    - (4) “Serious bodily injury” means the same as defined under 18 U.S.C. § 1365(h)(3), which includes injury that involves substantial risk of death, extreme physical pain, or obvious disfigurement or protracted loss or impairment of the function of a body part, organ or mental faculty.



4. 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**

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 serious bodily injury to another, 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 serious bodily injury to another, 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 District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes. The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

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

- a) conducted an individual evaluation and determined that the student is not a student with a disability;
- b) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations; or
- c) the parent did not allow the student to be evaluated or previously refused to provide consent for the provisions of special education services.

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 serious bodily injury to another, 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.
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.

### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations if:
  - a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b) The parent requests such a hearing to challenge 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. A resolution meeting shall occur within seven days of receipt of the request for an expedited hearing unless waived in writing by agreement of the parent and District. If the matter is not resolved to the satisfaction of the parties within 15 days of receipt of the request, the expedited due process hearing shall occur within 20 school days of the date the hearing request is filed. The impartial hearing officer shall make a determination within ten school days after the last hearing date.

### **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)**

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 comply with a request 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 INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or this Code. 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 this Code. Reasonable suspicion requires that the search is justified at its inception and that the scope of the search, as actually conducted, is reasonably related to the circumstances that justified the search. Factors to be considered in determining whether reasonable suspicion exists to search a student include but are not limited to:

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

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. District employees, for example, will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Factors to be considered when evaluating the information furnished by an informant include: the basis for the informant's knowledge; whether the informant previously supplied information that was accurate and verified; whether the informant during the course of supplying information makes an admission against his/her own interest; whether the informant is providing the same information that is received independently from other sources; whether the informant appears to be credible; and whether the information communicated relates to an immediate threat to safety. In general, anonymous tips are considered to be less reliable than information received directly from an informant

who does not conceal his or her identity. Each situation must be considered based on the totality of the circumstances.

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 this Code, or obtain the student's voluntary consent to the search. Searches will be limited to the extent necessary to locate the evidence sought, and shall not be more intrusive than is warranted based on the nature and severity of the circumstances at hand.

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

The rules in this Code 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**

Students are hereby put on notice that student belongings, such as student vehicles and electronic devices, on school property or at a school function may be searched if reasonable suspicion exists to believe that the search will result in evidence that the student violated the law or this Code. In addition, the District may utilize trained narcotics dogs on school property. The District has no obligation to notify parents or students prior to deploying trained narcotics dogs. Reasonable suspicion to further search a student or a student's belongings will be deemed to exist if a trained narcotics dog detects the presence of illegal drugs or substances.

### **Items Obtained During Search**

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.

### **Law Enforcement Officials**

The District is committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Administrators have the responsibility and authority to determine when the assistance of law enforcement is warranted. Outside law enforcement officials may be permitted to interview or question a student without the presence or consent of that student's parent/guardian only where they have a warrant for the arrest or removal of the student. In all other circumstances parental presence or consent is required before the student may be questioned by said law enforcement officials. In all circumstances, the District will attempt to notify the parent/guardian before outside law enforcement officials begin to question a student on school property. Whenever possible, the principal or his/her designee will be present during any such questioning of a student on school property or at a school function.

Students who are questioned by outside law enforcement officials on school property or at a school function will be afforded the same rights they have outside the school. Those officials may be required to advise students and/or their parents/guardians of their legal rights, such as their right to remain silent and their right to request the presence of an attorney.

In general, outside law enforcement officials must have probable cause or a search warrant to conduct a search of a student or a student's belongings.

## **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.

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his/her designee. The principal or his/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 or 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 photo identification and state the purpose of their visit. If permission to carry out the purpose of their visit is granted, they will be issued a visitor's identification badge. The identification badge must be worn at all times while in the school or on school grounds, and the visitor must return the identification badge upon exiting.
3. Building administrators or their designee may deny permission to visitors or may accompany visitors, where appropriate.
4. Visitors attending school functions that are open to the public, such as Parent-Teacher Organization meetings or public gatherings, are not required to register.
5. Visitors attending school functions during the school day, such as Mother's Day Tea or Student Recognition Events, must show government issued photo identification before entering the school building.
6. 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.
7. Visitors are expected not to take class time to discuss individual matters with teachers. Visitation will occur in a way that avoids or minimizes disruption to the normal learning process and the ordinary classroom routine.
8. Visitations by individuals other than parents/guardians shall be arranged directly between the building administrator and the individual making the request. The purpose of the visit will be made clear at that time in order to facilitate appropriate arrangements.
9. Any unauthorized person on school property will be reported to the building principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
10. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.
11. **PLEASE NOTE** that all visitors to the school are required to comply with the District's health and safety protocols to help prevent the spread of infectious disease.

## **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, including school functions that occur off school property. For purposes of this section of the Code, “public” shall mean any and all persons when on school property or attending a school function, including students, teachers, administrators, other District staff members, parents and members of the Board of Education.

The restrictions on public conduct on school property and at school functions, including school functions that occur off school property 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. To that end, the District reserves the right to pursue any and all legal action necessary to prevent damage or destruction to school property, including criminal prosecution and/or restitution.

All persons on school property or attending a school function, including school functions that occur off school property, 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**

The following is not intended to be an exhaustive list of all prohibited conduct on school property or at a school function. That a particular type or form of conduct is not specifically identified below does not mean that it is permitted. If the conduct is inconsistent with an orderly and respectful environment it is prohibited and will result in the imposition of appropriate penalty. That said, no person, either alone or with others, while on school property or at a school function shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage, destroy or remove 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. Intimidate, harass, bully or discriminate against any person, or engage in any behaviors that are intimidating, harassing, bullying or discriminatory in nature.
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, illegal or controlled substances, or be under the influence of same on school property or at a school function.
11. Possess or use a weapon 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 of language or gestures that are profane, lewd, vulgar, abusive or otherwise inappropriate.
18. Smoking or use of e-cigarettes or other tobacco products on school property.
19. Unauthorized or improper use of the District's technology or computer system, including software, hardware, computer networks, electronic communications systems, internet and WIFI.
20. Fail or refuse to comply with the District's health and safety protocols to help prevent the spread of infectious disease.

## 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 any applicable 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 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 any legal rights they may have.

## Enforcement

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

When the Superintendent, building principal or their designee sees an individual engaging in conduct prohibited by this Code that is not perceived to pose an immediate threat of injury to persons or property, the school official shall advise the individual that the conduct is prohibited and to cease immediately. If the individual refuses to comply, or if the conduct poses an immediate threat of injury to persons or property, the school official shall have the individual removed from school property or the school function. If necessary, local law enforcement authorities will be contacted for assistance.

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 by:

1. Providing a public hearing relating to this Code prior to Board approval.
2. Posting the complete Code on the District’s website at [www.hamburgschools.org](http://www.hamburgschools.org), including any annual updates or other amendments made to the Code.
3. 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.
4. Providing a plain language summary of the Code to all persons in parental relation to 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. A copy may be provided electronically, including via link to the Code on the District’s website.
6. Providing all new employees with a copy of the current Code of Conduct when they are first hired. A copy may be provided electronically, including via link to the Code on the District’s website.
7. Making copies of the Code available for review by students, parents and other community members.

### **Review**

The Code shall be reviewed with District staff members. The District will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code. This shall include guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees. It shall also include safe and supportive school climate concepts in the curriculum and classroom management.

The Board of Education shall review the Code annually and update it as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration. 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.