



# Batavia City School District

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## Code of Conduct 2020-2021

BOE Approved: December 14, 2020

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# BATAVIA CITY SCHOOL DISTRICT

## CODE OF CONDUCT

### I. INTRODUCTION

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

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

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

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

### II. DEFINITIONS

For purposes of this Code, the following definitions apply:

**“Bullying” and/or “Harassment”** means the creation of a hostile environment by conduct or by 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 and/or physical well-being; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety; or (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, acts based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

**“Cyberbullying”** means “bullying” and/or “harassment” as defined above that occurs through any form of electronic communication.

**“Disability”** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regard by others as such an impairment.

**"Discrimination"** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.

**"Disruptive student"** means 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.

**“Emotional Harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

**“Employee”** means any person receiving compensation from the District or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to the

District, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

**"Gender"** means actual or perceived sex and shall include a person's gender identity or expression.

**"Gender identity"** is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

**"Gender expression"** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

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

**"School Bus"** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**"School Function"** means any school-sponsored extracurricular event or activity, whether located on or off school property.

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

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

**"Violent student"** means a student under the age of 21 whom:

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

**"Weapon"** means a firearm as defined in 18 USC Section 921 for purposes of the Gun Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

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

#### **A. STUDENT RIGHTS**

The Board of Education assures students that they shall have all the rights afforded them by federal and state constitutions. The District recognizes all federal, state, and local laws in connection with these rights and reminds students that certain responsibilities accompany these rights.

The District's goals are to provide an environment in which a student's rights are respected and to provide opportunities that stimulate and challenge each student to reach his or her highest potential. Opportunities such as participation in interscholastic sports may be curtailed when the student infringes upon the rights of others or violates the Code.

All District students have the right to:

1. Learn in a safe environment where no one is mean or excludes others based on the color of their skin, the size of their body, where they come from, what they believe in, if they are boys or girls, or how they dress, or who they are attracted to.
2. Take part in all District activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
3. Courtesy and respect from one another and from staff.

4. An explicit and consistently administered discipline code.
5. Present their version, at an appropriate time, of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty
6. Learn school rules and ask questions if they do not understand school rules.
7. Privacy in Public Restrooms and Locker Rooms. The District recognizes the legal right to privacy in public restrooms and locker rooms. Any use of personal technology in school restrooms and locker rooms is strictly prohibited. Personal technology includes, but is not limited to, all existing and emerging technology devices that can take photographs, record audio or video, input text, upload and download media, and transmit or receive messages or images.

## **B. STUDENT RESPONSIBILITIES**

All District students have the responsibility to:

1. Be respectful to all others with their words and actions, including those who are different
2. Help to keep the school environment safe and orderly so that everyone can learn.
3. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
4. Attend school every day, unless they are legally excused, and be in class, on time, and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Work to develop mechanisms to control their anger.
8. Ask questions when they do not understand directions from teachers, administrators and other school personnel.
9. Seek help in solving problems that might lead to discipline.
10. Dress appropriately for school and school functions.

## **IV. ESSENTIAL PARTNERS**

### **A. PARENTS**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community, and collaborate with the District to optimize their child(ren)'s educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure legal absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the District.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children, by example, mutual respect and dignity for all people regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.

## **B. TEACHERS**

All District teachers 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 (including gender identity or expression) or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
6. Communicate regularly with students, parents, school counselors and other teachers concerning growth and achievement.
7. Engage in productive communication with other school personnel, including grade-level teachers and/or department colleagues.
8. Confront issues of discrimination bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
10. Report incidents of discrimination, bullying and/or harassment when the teacher individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

## **C. SCHOOL COUNSELORS**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teachers/student/counselor conferences and parent/teacher/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Provide assistance and support to students who are in academic need.
7. 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 (including gender identity or expression) or sex.
8. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Make known to students and families the resources in the community that are available to meet their needs.
10. Address personal biases that may prevent equal treatment of all students.
11. Report incidents of discrimination, bullying and/or harassment when the counselor individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.

## **D. BUILDING ADMINISTRATORS**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.

5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Actively engage in communication with parents as the need arises.
7. Maintain and enforce 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 (including gender identity or expression) or sex.
8. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Report incidents of discrimination, bullying and/or harassment, when the principal individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.
10. Respond promptly to reports of discrimination, bullying and/or harassment, pursuant to District policy

#### **E. SUPERINTENDENT**

1. Promote a safe, orderly and stimulating school environment, 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 Board of Education about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Emulate a diverse and inclusive learning environment and workplace.
7. Actively engage in communication with all District personnel, parents, community members, and students as the need arises.
8. Maintain and foster 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 (including gender identity or expression) or sex.
9. Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Report incidents of discrimination, bullying and/or harassment when the superintendent individually witnesses or receives reliable information regarding any such incident, pursuant to District policy.
11. Respond promptly to reports of discrimination, bullying and/or harassment, intimidation or bullying pursuant to District policy

#### **F. BOARD OF EDUCATION**

1. 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. Adopt and review at least once a year the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
4. Maintain and foster 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 (including gender identity or expression) or sex.  
Confront issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

#### **V. STUDENT/STAFF DRESS CODE**

All students and staff are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents, along with individual staff members 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.

An individual's dress, grooming, including hair style/color, jewelry, make-up, and nails shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, midriff shirts, spaghetti straps, plunging necklines (front and/or back), and see-through garments are not appropriate and therefore, are not permitted.
3. Recognize that extremely short skirts, dresses, and shorts are not appropriate and therefore, are not permitted. Garment must reach fingertips when fully extended and/or mid-thigh.
4. Ensure that underwear is completely covered by outerwear and is not visible to others.
5. Not include the wearing of hats, bandanas, hoods or headwear of any sort in the school building except for a medical or religious purpose.
6. Students are expected to place coats and backpacks / sling packs in their lockers before the first period of the day.
7. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
8. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs, and/or encourage other illegal or violent activities, including use of weapons.
9. Student attire at after-school and evening activities, including dances, should be appropriate and display good taste in accordance with this dress code

Each Building Administrator shall be responsible for informing all students and their parents, as well as all staff members, of the dress code at the beginning of the school year and any revisions to the dress code made during the school year. In addition the Building Administrator will make the final decision as to whether particular dress is distracting to the school's mission.

Any student or staff member who violates 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 student who refuses to do so shall be subject to disciplinary action. Any student or staff member who fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **VI. PROHIBITED STUDENT CONDUCT**

The Board of Education expects 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, where appropriate, to 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 ranging from verbal warning or up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to the following:
  1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.

6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  7. Sexual activity. Students are prohibited from participating in any form of sexual activity on school District property.
  8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to the following:
1. Failing to comply with the lawful 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. Chronically being unprepared for class.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to the following:
1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to the following:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee, or upon another student or any other person lawfully on school property, or attempting to do so.
  2. 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.
  3. Displaying what appears to be a weapon or any other object that would appear to cause bodily injury.
  4. Threatening to use any weapon.
  5. Intentionally damaging or destroying the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
  6. Intentionally damaging or destroying school property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to the following:
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.
  4. Discrimination, which includes the use of race, color, creed, age, national origin, ethnic group, religion, religious practice, gender (including gender identity or expression), sexual orientation, weight or disability as a basis for treating another student in a negative manner.
  5. Acts of harassment (verbal, physical, sexual) and bully as defined in this document Section II Definitions.
  6. Intimidation, 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.
  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 or possessing obscene material.
  9. Using vulgar or abusive language, cursing, inappropriate language, or swearing.

10. Smoking and/or possessing a lighted or unlighted cigarette, electronic cigarette (“e-cigarette” or “e-cig”), cigar, pipe, or similar devices, including but not limited to e-hookahs, hookah pens, vape pens; or using chewing or smokeless tobacco, including dip, chew, and/or snuff, in any form.
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, e-liquids, including propylene glycol (liquid nicotine), cannabinoids (marijuana), synthetic cannabinoids (e.g., K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, powdered alcohol (Palcohol), look-alike or “counterfeit” drugs, any substances commonly referred to as "designer drugs", and drug paraphernalia.
  12. Inappropriately using, sharing, or possessing prescription and over-the-counter drugs.
  13. Gambling
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher without valid cause.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the District's Code of Conduct.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to the following:
1. Plagiarism
  2. Cheating
  3. Copying
  4. Altering or falsifying records
  5. Misuse of District Computer System as defined in Administrative Regulations # 6470
  6. Assisting another student in any of the above actions.
- H. Engage in any form of hazing. Examples of hazing include, but are not limited to the following:
1. Any act that recklessly or intentionally endangers the mental health, physical health or safety of a student which is performed as a condition of attaining/maintaining membership in any school sponsored group, club, team, and/or as a condition of participating in any school sponsored event or activity whether occurring on or off campus.
  2. Forced consumption of food, alcohol, drugs, or other substances.
  3. Forced exposure to the elements.
  4. Activities intended to degrade, humiliate, embarrass, or shame.
  5. Physical brutality/assault such as paddling or beating.
  6. Sexual violation, including sexual simulation and sexual assault.
  7. Assignment of "pranks" to be performed.
  8. Forced calisthenics or other forced physical activity that could adversely affect the physical wellbeing or safety of the individual.
  9. Social isolation.
  10. Personal servitude.
  11. Sleep deprivation/restrictions on personal hygiene.
  12. Nudity.
  13. Kidnapping.
  14. Binge drinking and drinking games.
  15. Yelling, swearing or insulting an individual.
  16. Forced to wear embarrassing or humiliating attire in public.
  17. Forced to engage in destructive and/or criminal acts such as vandalism, stealing and cheating.
  18. Restraining an individual against his/her will.

- I. Engage in Use of Technology in Public Restrooms and Locker Rooms. The District recognizes the legal right to privacy in public restrooms and locker rooms. Any use of personal technology in school restrooms and locker rooms is strictly prohibited. Personal technology includes, but is not limited to, all existing and emerging technology devices that can take photographs, record audio or video, input text, upload and download media, and transmit or receive messages or images. Violators of this policy may have their device confiscated by District Administration to be reviewed by the local police authorities for potential criminal investigation.

## **VII. VIRTUAL LEARNING CODE OF CONDUCT**

All Batavia City School students receiving digital curriculum and direct instruction online, or remote learning, are subject to any applicable district policies and this *Student Virtual Learning Code of Conduct*. Technology is an ever-evolving tool utilized to aid in education. The use of technology is the responsibility of the student. Technology must be utilized in a productive and positive means; this is the school wide expectation for Batavia High School and Batavia Middle School. Students are responsible for the manner in which they conduct themselves while using any and all technology while at school or while on a school issued device.

The technology discipline hierarchy is described below and will be closely followed. As a virtual learning student, there are additional rules and expectations regarding prior online etiquette in place in order to protect all students and all staff members. Virtual learning must be utilized in a responsible, safe, efficient, ethical, and legal manner by all students. With expanded access to electronic information, availability of inappropriate material is not uncommon. Some sites contain illegal, defamatory, inaccurate, or offensive information.

The partnership between BCSD and our families is extremely crucial in this matter. We especially appreciate connecting with parents to teach responsible internet usage. If a family does not have access to the internet, the student or parent should contact the teacher and/or counselor, so that other arrangements for work completion can be made.

Please review the following expectations carefully:

- Students are responsible for appropriate behavior during online learning at all times. Always use technological devices in a way that shows consideration and respect. It is not acceptable to use obscene, profane, threatening, or disrespectful language, in any capacity.
- Students must be dressed appropriately for a typical school day, while at home.
- The district takes integrity and authenticity of student work in a serious manner. Plagiarism will be monitored. Therefore, a student should not cut, copy, or take internet content, take or the work of your online classmates to use as his/her own. Teachers utilize technologies to check for authenticity of student work.
- Copying, knowingly allowing others to copy from you, and/or misusing internet content will result in disciplinary action.
- Security and safety is a high priority. If you identify a security and/or safety issue in the school's technological devices and/or educational platform, please notify: The Assistant Principal's Office at 585-343-2480x2001 (BHS) or 585-343-2480x3001 (BMS).
- Remote Learning correspondence is not private.
- Protect your passwords. Keep it secret from anyone except your parents.

## **INTERNET AND TECHNOLOGICAL DEVICE USAGE POLICY**

All internet data that is composed, transmitted, or received via the district's technological devices is considered to be part of the official records of BCSD and, as such, is subject to disclosure to the parent(s), administration or other third parties, in some cases. Consequently, it is the expectation of both students and parents to abide by the school's internet usage policy:

Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any other person. Examples of unacceptable content may include, but are not limited to:

- Sexual comments or images
- Racial slurs
- Gender-specific comments
- Any comments or images that could offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law

Abuse of internet platforms and tools in violation of school policies will result in disciplinary action. Below are examples of poor behaviors that are prohibited, but are not limited to this list.

These behaviors will result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Stealing, using, or disclosing someone else's code or password without authorization
- Video recording of others
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, BCSD's secrets, or proprietary information outside of the organization
- Violating copyright law
- Engaging in unauthorized transactions that may incur a cost to the school or initiate unwanted internet services and transmissions
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of BCSD, another organization, or person.
- Refusing to cooperate with a security investigation
- Using the BCSD's Educational Platform for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparages BCSD or another organization's products or services
- Passing off personal views as representing those of BCSD
- Sending any anonymous e-mail messages
- Engaging in any other illegal activities
- Disrupting the Virtual Learning Environment in any way
- Refusing to follow the rules of the specific Virtual Learning Classroom
- Unmuting yourself when your teacher has placed you on mute
- Recording any class session and transmitting it
- Recording your teacher and/or classmates
- Not dressed properly for class (examples: dressed in revealing clothes, dressed in clothes with inappropriate sayings)
- Participation in Cyber-bullying and/or Harassment
- Cheating and/or Plagiarism

**Video Recording** - Under no circumstances, will a student be recorded by another student, unless given permission by the principal. Unwanted picture taking of others is also not prohibited. Both of these expectations apply at all school locations including in the building, on the bus, at Richmond Memorial Library, and at any school related event. Appropriate disciplinary action will be taken.

## **STUDENT EXPECTATIONS AND CONSEQUENCES OF MISCONDUCT**

Students of BCSD's Virtual Learning Program are public school students, and will continue to be held to the district's discipline matrix and expectations. In the virtual learning environment, there is a set of non-traditional types of misconduct that must be regularly monitored. Discipline will occur in an appropriate manner. Accordingly, in addition to district applicable policies, the Virtual Learning Code of Conduct incorporates expectations of conduct specific to virtual/remote learning classrooms. For example, internet access is required for all students, but access must be used

in a responsible, safe, efficient, ethical, and legal manner. With expanded access to electronic information, availability of inappropriate material is not uncommon. Some sites contain illegal, defamatory, inaccurate, or offensive information. Although it is impossible to control such misuses, we believe that with responsible student use, the benefits of the internet as an educational tool outweigh the negatives.

## **BULLYING AND HARASSMENT POLICY**

Harassment is prohibited between members of the school community, including communication of any form between students, parents, faculty and/or staff, and any third parties directly or indirectly. We are committed to maintaining a working and learning environment in which students, faculty, and staff can develop intellectually, professionally, academically, personally and socially. Such an atmosphere must be free of intimidation, fear, coercion and reprisal. It is an expectation that all students and employees shall use all equipment and programs for the intended educational purpose. We are committed to protecting students and employees from bullying, harassment or inappropriate uses of computers or programs to participate in bullying behavior.

Bullying and harassment will not be tolerated and shall be just cause for disciplinary action. Conduct that constitutes bullying or harassment, as defined in this document, is prohibited. Bullying, harassment, and cyber stalking are defined as inflicting physical or psychological distress, and/or communicating words, images or language using electronic mail that causes emotional distress and for which there is no legitimate purpose. Any action by a student or parent deemed inappropriate will be fully investigated by the appropriate school personnel.

## **ACADEMIC INTEGRITY POLICY**

*What is academic integrity?*

- Academic integrity is an ethical code, whereby the student guarantees that all work submitted is the student's own work.

*Why is academic integrity important?*

- When students submit an assignment that is not their own original work, there are two issues involved:
  - Students are earning credit for learning material for which they have not demonstrated mastery
  - They may be violating the policies of the school

*What are some examples of academic integrity violations?*

- There are two kinds of academic integrity violations.
  - Plagiarism, as defined below
  - Cheating, as defined below

**Plagiarism** - To steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source. Some examples are, but not limited to the following:

- Copying and pasting a report from the Internet and representing it as your own work
- Copying any other work and not properly citing authorship

### **Cheating**

- To influence or lead by deceit, trick, or artifice
- To practice fraud or trickery to violate rules dishonestly
- Providing questions, answers, work to another student
- Receiving questions, answers, work from another student

## **PARENT/GUARDIAN'S RESPONSIBILITIES**

As a parent/guardian of a BCSD school student in grades 5-12, receiving remote instruction, it is very important to understand the responsibilities associated with that role. With the many distractions students have today, it can be difficult for some students to set aside time to work on courses when not in school. It is the responsibility of the parent/guardian to encourage the student to manage their time in an effective way. If at any time, a student becomes

overwhelmed or confused by any content being taught through remote learning, the student or parent should contact the individual teacher.

Teachers will keep the parent/guardian apprised of the student's progress and will initiate contact if they fall behind in their coursework.

Parents are expected to supervise and monitor their student's progress throughout the duration of the course, just as you would in a regular learning setting. This can be accomplished by accessing the parental portal, periodically, to monitor student progress.

Parents must support Academic Integrity. Academic Integrity is one of the district's core values and one of the most important areas of focus as a learning organization. Students with Academic Integrity make decisions based on ethics and values that will prepare them to be productive and ethical citizens; it is critical that students learn and understand this concept.

A parent may contact the student's teacher directly via email and/or Google voice to answer questions about the course that you may have. When a parent/guardian has a concern about the student's performance or behavior, the parent/guardian should set up a conference with the child's teacher and/or counselor.

## **VIII. PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND/OR BULLYING**

The Dignity for All Students Act makes sure students are learning how to get along, work together, and respect differences in schools that are safe and welcoming to all. The District strictly prohibits discrimination, harassment and/or bullying against any student, by employees or students, that creates a hostile school environment by conduct, or by 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 and/or physical well-being; or
- b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- 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

Such conduct shall include, *but is not limited to*: acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex. This Code, however, does not prohibit the denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §§2854(2)(s) and 3201-a and Title IX of the Education Amendments of 1972, or prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

### **A. Dignity Act Coordinator**

The Dignity Act emphasizes the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the school community, including essential partners such as superintendents, school board members, parents, students, teachers, school counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in its implementation. A Dignity Act Coordinator has been appointed and trained at each school building in the District; High School, Gregory Ciszak, Middle School, Eric Knapp, John Kennedy, Lyndzi Hale, Jackson, Carina Bamann.

### **B. Disciplinary and Remedial Consequences**

The District is committed to the creation and maintenance of a positive learning environment for all students. To that end, the District will use measured, balanced, and age-appropriate responses to the discrimination and harassment, intimidation or bullying of students by students and/or employees on school property, including school

functions, with remedies and procedures focusing on intervention and education. Remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, eliminate the hostile environment, and protect the target of the act(s). Appropriate remedial measures will take into consideration the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual who was physically injured and/or emotionally harmed. Responses may include, but are not limited to:

- peer support groups;
- restorative practices
- corrective instruction or other relevant learning or service experience;
- supportive intervention;
- behavioral assessment or evaluation;
- student therapy/counseling;
- parent conferences;
- schedule modifications;
- alternative placements;
- targeted use of monitors;
- involvement of parent-teacher organizations

## **IX. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

All students are required to promptly report serious violations of the Code of Conduct to District staff. District staff members are required to promptly report violations of the Code of Conduct to their supervisor. All District staff members authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner.

Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The Building Administrator or his or her designee must notify the appropriate local law enforcement agency of those Code violations that may 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 Building Administrator or designee learns of the violation. The notification may be made by telephone. The notification must identify the student(s) and explain the conduct that violated the Code of Conduct and may constitute a crime. When necessary a police report will be filed.

### **Acts of Discrimination, Harassment, or Bullying**

Any student, parent, teacher, staff member or visitor may report an incident of discrimination, bullying and/or harassment. Such reports may be made to any staff member, including the principal or the principal's designee, teachers, administrators, and guidance counselors. In the event that a report is made to a staff member other than the principal, such staff member shall immediately inform the principal or the principal's designee of the report. Allegations of discrimination, bullying and/or harassment will be treated as confidential and private to the extent possible.

All school employees and volunteers who have contact with students are required to report alleged violations of this policy to the principal or the principal's designee when the individual witnesses or receives reliable information regarding any such incident. The principal is required to inform the parents of all students involved in alleged incidents. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal as soon as possible.

The District will submit to the Commissioner of Education an annual report of material incidents of discrimination and/or harassment that occurred in such school year.

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the commissioner of education, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, shall have immunity from any civil liability that may arise from the making of such report or from informal proceedings, and no school District or employee shall take, request or cause a retaliatory action against any such person.

## **X. DISCIPLINARY PROCEDURES AND PENALTIES**

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. Student disability or religious/sacred institution.
7. The effects of the inappropriate behavior on the rights, well-being and teaching of other students.
8. Other extenuating circumstances.

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

### **A. PENALTIES**

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

1. Verbal warning — any member of the District staff.
2. Written warning.
3. Written notification to parent — Teachers, Building Administrator, Superintendent.
4. Detention — Teachers, Building Administrator, Superintendent.
5. Device Confiscated — Teachers, Administrators, Superintendent
6. Suspension from transportation — Building Administrator, Director of Transportation.
7. Suspension from athletic participation — Building Administrator, Director of Health, Physical Education and Interscholastic Athletics, Superintendent.
8. Suspension from social or extracurricular activities — Building Administrator, Superintendent.
9. Suspension of other privileges — Building Administrator, Superintendent.
10. Saturday Detention (Middle/High School) — Building Administrator, Superintendent.
11. District will work with local law enforcement agencies and may press charges — Superintendent, Building Administrators.
12. Genesee County Youth Court--Building Administrator, Superintendent.
13. Removal from classroom — Teachers, Building Administrator, Superintendent.
14. Short-term (five days or less) suspension from school — Building Administrator, Superintendent.
15. Long-term (more than five days) suspension from school — Superintendent.
16. Permanent suspension from school — Superintendent.

The length of time for the above penalties will be determined by the Administration using the principles of progressive discipline and in accordance with the provisions of the New York State Education Law

## **B. PROCEDURES**

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity, at the appropriate time, 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 given penalties other than a verbal warning, written warning, written notification to their parents or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below as follows.

### **1. Detention**

Teachers, Building Administrators 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. If detention is used as a penalty, parents may be notified.

### **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 Director of Transportation's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Administrator and the Director of Transportation. In such cases, the student's parents will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education if the student is of compulsory attendance age.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parents will be provided with a reasonable opportunity for an informal conference with the Building Administrator and Director of Transportation to discuss the conduct and the penalty involved.

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

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

### **4. In-School Suspension/Saturday Detention**

The Board recognizes that 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 the Building Administrator 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" (Middle School only). "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

Saturday Detention (High School only) is an alternative consequence to "In-school Suspension." Saturday Detention does not remove students from the classroom and is considered an equivalent to "in-school suspension." Students who do not attend Saturday Detention will be referred to Genesee County Youth Court. The goal of Youth Court is to improve youth citizenship skills and decrease problematic behavior.

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

## **5. Pressing Charges**

Based on the offense, the District may seek to press charges.

## **6. Teacher Removal of Disruptive Students (2 Days)**

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

A classroom teacher may remove a student from class for up to two (2) days if the teacher determines that the student is disruptive. 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, 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 before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student does pose a danger of 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 one full school day.

The teacher must complete a District established referral form and meet with the Building Administrator as soon as possible, but not later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the Building Administrator is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Building Administrator prior to the beginning of classes on the next school day.

Within one school day after the student's removal, the Building Administrator must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Building Administrator or the Building Administrator's designee to discuss the reasons for the removal and behavior modifications to remedy the cause for the removal. The notice must be provided to the last known address for the parent by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

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

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

The Building Administrator or Building Administrator's designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Building Administrator makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Building Administrator or the Chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

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

Nothing in this section of the Code of Conduct abridges the customary right or responsibility of a Building Administrator to suspend a student. Further, nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time honored classroom management techniques such as "time out" in a classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

## **7. Suspension from School**

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Administrator.

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

Upon receiving a recommendation or referral for suspension, or processing a case for suspension, the Building Administrator or the Superintendent shall gather the facts relevant to the matter and record them for subsequent presentation if necessary.

### **a. Short term (five days or less) Suspension from school.**

When the Building Administrator or Superintendent (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law section 3214(3), the suspending authority must immediately notify the student verbally. 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 verbally and in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonable 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 parent of the right to request an immediate informal conference with the Building Administrator. 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 Building Administrator 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 reasonable practicable.

After the conference, the Building Administrator shall promptly advise the parents in writing of his or her decision. The Building Administrator 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 Board of Education with the District Clerk within thirty (30) business days of the date of the decision; unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

**b. Long term (more than five days) Suspension from School.**

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

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

An appeal of the decision of the Superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within thirty (30) 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 of Education within thirty (30) days of the decision.

**c. Permanent suspension**

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

## **C. MINIMUM PERIODS OF SUSPENSION**

### **1. Students who bring a firearm to school**

Any student other than a student with a disability, found guilty of bringing a firearm onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's performance in school.
- d. The student's prior disciplinary record.
- e. The Superintendent's belief that other forms of discipline may be more effective.
- f. Input from parents, teachers and/or others.
- g. Other extenuating circumstances.

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

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

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

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

### **2. Students who commit violent acts other than bringing a firearm to school.**

Any student, other than a student with a disability, 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.

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 a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, shall be suspended from school for a least five days.

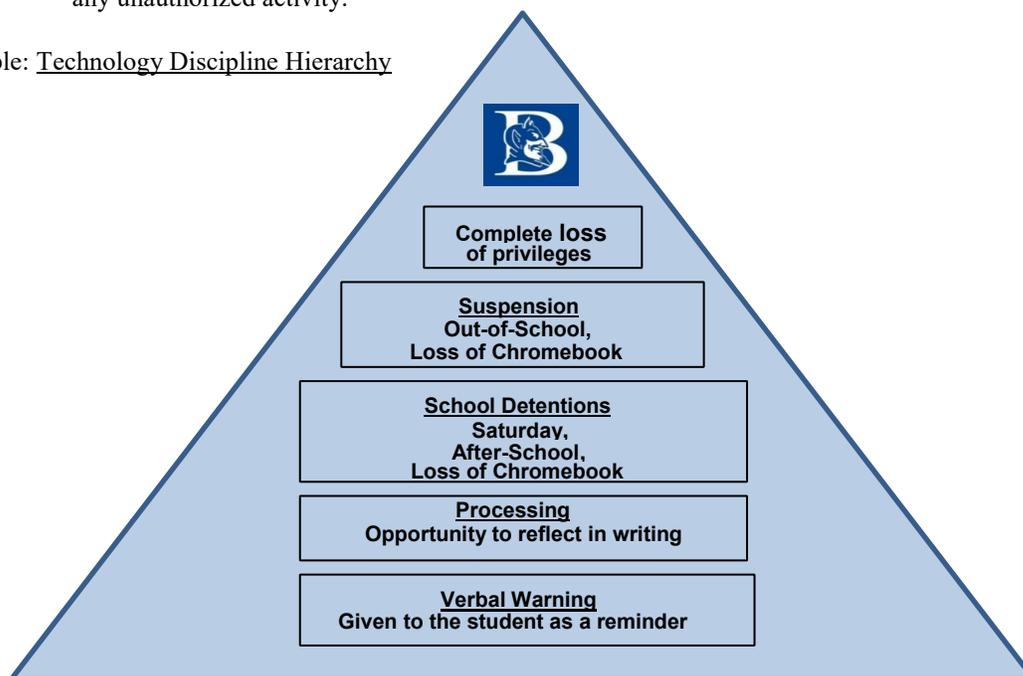
If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's 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.

## XI. Technology Discipline

The discipline policies at each school have been revised to encompass the one-to-one environment. The privilege of having a computer comes with a new set of responsibilities and new consequences. The Technology Discipline Hierarchy has a common structure District-wide. These are explained in this section. Please reference the materials specific to each building for specific details or contact the school directly.

1. The Technology Discipline Hierarchy applies to all BCSD technology, not just Chromebook computers. This includes, but is not limited to Interactive Display Boards, Promethean Boards, document cameras, projectors, desktop computers, printers, mice, digital cameras, etc.
2. Discipline is progressive. Low-level, first-time infractions will have a lesser consequence than infractions that are repetitive or more serious in nature.
3. Classroom interventions will be the first level of discipline. This includes verbal warnings, seating changes, and teacher contact with home.
4. Discipline progresses in levels. Consequences include in-school detentions, after-school detentions, assignments that re-teach or reinforce correct behaviors, restricted computer access, office referrals, and suspensions.
5. Compliance checks may be conducted on a student's computer at any time. These may be schoolwide checks or conducted individually due to suspicion of inappropriate computer usage.
6. BCSD may remove a user's access to the network without notice at any time if the user is engaged in any unauthorized activity.

Example: [Technology Discipline Hierarchy](#)



## **XII. ALTERNATIVE INSTRUCTION**

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

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

The Board of Education 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 are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **A. AUTHORIZED SUSPENSIONS OR REMOVALS OF STUDENTS WITH DISABILITIES**

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

A "student with a disability" means a student who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and section 200.1(zz) of the Commissioner of Education regulations, and who, because of such classification, needs special education or related services.

A "suspension" means a suspension pursuant to Education Law section 3214.

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

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

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the District (BOCES) Superintendent of Schools or a Building Administrator delegated the authority to suspend students 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 student without a disability 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 ten (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 a student without a disability would be subject to suspension for the same behavior.

- c. The Superintendent may order additional suspensions of not more than ten (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 has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
  - 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. Section 930 (g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except... (for) a pocket knife with a blade of less than 2 1/2 inches in length".
  - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Control 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 bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in 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.

**B. CHANGE OF PLACEMENT RULE**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than ten (10) consecutive school days; or
  - b. for a period of ten (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 ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

**C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES.**

1. The District's Committee on Special Education shall:
  - a. Whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a

manifestation of the disability. Such review must be made as immediate as possible, but in no case later than ten (10) school days after:

- 1) a decision is made by the Superintendent to change the placement of a student to an IAES; or
  - 2) a decision is made by an impartial hearing officer to place a student in an IAES; or
  - 3) a decision is made by the Board of Education, Building Administrator or Superintendent to impose a suspension that constitutes a disciplinary change in placement.
- b. Conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review a behavioral intervention plan whenever the District is first suspending or removing a student with a disability for more than ten (10) school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
- c. If a behavioral intervention plan has already been developed, meet to review such plan and its implementation and modify the plan and its implementation as necessary, to address the behavior that resulted in the change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for special education services 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 before the behavior occurred, the student will be considered a student presumed to have a disability for discipline purposes.
- a. The Superintendent, Building Administrator or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
    - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
    - 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education 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 (5) school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.
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 ten (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 Regulations of the Commissioner of Education incorporated into this policy.

#### **D. EXPEDITED DUE PROCESS HEARINGS**

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this Code, if:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
    - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extension.

#### **E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

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

1. The District may report a crime committed by a student 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.

#### **XIV. 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 refrain from further disruptive acts.

Such emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

In situations when a school employee uses physical force against a student, the school employee shall, make an immediate verbal report of the situation to the Building Principal or Supervisor/designee with the written report to follow within forty-eight (48) hours. The Building Principal or Supervisor/designee shall, within the same school day, make an immediate verbal report to the Superintendent/designee describing in detail the circumstances and the nature of the action taken with the written report to follow within forty-eight (48) hours.

The School District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting, location, date and time of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by School District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

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

## **XV. STUDENT SEARCHES AND INTERROGATIONS**

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

In addition, the Board authorizes when appropriate, the Superintendent, Building Administrators, School Resource Officer, School Nurse, District Security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

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

Students may be assigned lockers in which they are allowed to store their personal property. These lockers are school property and can be inspected or searched at any time. While students are assigned a lock or combination, this lock is for the purpose of protecting the students' property and does not create an expectation of privacy. 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 remain school District property and are subject to inspection and search at any time by school officials, without prior notice to students and without their consent.

## **B. Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Any representative of an outside agency must have permission of the building principal or designee before interviewing a student. Such permission will be in accordance with established procedures.

Police officials may not have access to a student for questioning about a crime alleged to have been committed by the student unless they meet one of the following criteria:

1. They have a warrant for the student's arrest; or other court order authorizing the student's removal; or
2. They have probable cause to believe a crime has been committed by the student on school property or at a school function, or
3. They have been requested by school officials to investigate a reported or suspected crime.

Before police officials, not including the School Resource Officer are permitted to questions or search any student, who is suspected of committing a crime the Building Administrators shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questions or search, the parent shall be informed of the questioning or search, in writing, by the Building Administrators as soon as thereafter as possible. The Building Administrators will also be present during any police questioning or search of a student on school property or at a school function.

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

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

## **C. 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 (CPS) when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local CPS workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

Child Protective Services personnel shall be assisted by school Building Administrators to fulfill their mandated responsibilities. If there is suspected abuse or maltreatment, the school authorities shall permit the student to be interviewed on school property by the CPS caseworker. Such interviews shall be conducted in the presence of a school Building Administrator or qualified designee when appropriate. In those cases where CPS determines that the student is in imminent danger, and a Family Court application is not possible, they have the authority to take the student into protective custody without the consent of the student's parent.

## **XVI. VISITORS TO THE SCHOOLS**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Administrator/Principal 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. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after normal school hours such as parent/teacher organization meetings or public gatherings are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Building Administrator, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Building Administrator. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

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

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The 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.

### **A. PROHIBITED CONDUCT**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage, destroy, or remove District property or the personal property of a teacher, student, administrator, other District employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action or violence, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell distribute or exchange alcoholic beverages, controlled substances, including but not limited to inhalants, e-liquids including propylene glycol (liquid nicotine), cannabinoids (marijuana), synthetic cannabinoids (e.g. K2, Spice), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike or "counterfeit" drugs, and any substances commonly referred to as "designer drugs", or be under the influence of either alcohol or controlled substances on school property or at a school function.
10. Possess or use firearms or other weapons including but not limited to air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on

- school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
11. Loiter on or about school property.
  12. Gamble on school property or at school functions.
  13. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
  14. Willfully incite others to commit any of the acts prohibited by this Code.
  15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
  16. Smoke and/or possess a lighted or unlighted cigarette, cigar, pipe, electronic cigarette (“e-cigarette” or “e-cig”) or similar devices including but not limited to e-hookahs, hookah pens and vape pens; or use chewing or smokeless tobacco, including dip, chew, and or snuff in any form. Smoke or use of other tobacco products or non-tobacco products including but not limited to, electronic cigarettes (“e-cigarettes” or “e-cigs”).
  17. Commit acts which threaten the safety and welfare of persons on school property.

## **B. PENALTIES**

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

1. Visitors — Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students — They shall be subject to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this Code of Conduct, in accordance with the due process of law requirements.
3. Tenured faculty members — They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law section 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 section 75. - They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. - They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. The District may initiate disciplinary action against any student or staff member, or visitor as appropriate. The District reserves its right to pursue a civil or criminal legal action against any person violating this Code.

## **C. ENFORCEMENT**

The Superintendent and Building Administrators shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other District staff who are authorized to take action consistent with the Code.

## **XVIII. DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the Code to all students.
2. Distributing a summary of the Code of Conduct written in plain language to all persons in parental relation to District students before the beginning of each school year and making this summary available later upon request.
3. 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.
4. Providing all new employees and students with a copy of the current Code of Conduct when they are first hired/enrolled.

5. Making copies of the Code available for review by students, parents or persons in parental relation to students, other school staff and other community members.
6. Providing training to students and staff about the Dignity for All Students Act, the prohibition against discrimination and harassment, intimidation or bullying, and the availability of each school's Dignity Act Coordinator.

On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed, in writing, to parents and persons in parental relation to students. A copy of the Code will be filed in each school building, where it will be available for review by any individual.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct, including but not limited to, promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

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

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

The Code of Conduct and any amendments to it will be filed with Commissioner of Education no later than 30 days after adoption.

## 5-12 AUP ACCEPTABLE USE POLICY

### Batavia City School District Acceptable Use Policy (AUP)

### Student Technology Contract & Release Form

This form must be filled out and returned to the Library after reading the policy.

#### Student Contract Grades 5-12

| Please print Student's Name | Grade |
|-----------------------------|-------|
|                             |       |

I, \_\_\_\_\_ have read the Acceptable Use Policy and Batavia City School District Chromebook Policy Guide. I accept the responsibility to use the school's equipment and I will follow the rules. I will not release any personal information on the Internet. This includes, but is not limited to, my full name, address, telephone number, and credit card numbers. I understand that this privilege may be revoked for any violation of the rules.

#### Student Directory Information (FERPA)

The school district has designated certain categories of student information as "directory information" Directory information includes student name, photograph, address, telephone number, date and place of birth, major course of study, participation in school activities or sports, weight and height, if a member of an athletic team, dates of attendance, degrees and awards received, most recent school attended, class schedule, photograph, and class roster.

If you object to the release of any or all of the directory information listed above, you must do so in writing to the appropriate building principal.

#### Batavia City School District Web Practice

The district will publish non-identifiable photographs and/or videos on the web. Nonidentifiable photographs are defined as photographs with no individual names. Identifiable photographs will be published on the web only when written parental consent has been obtained.

**Parent Permission: Read carefully and sign one permission slip for each of your children.**

|                            |     |    |   |
|----------------------------|-----|----|---|
| 1.                         | Yes | No | I have read the BCSD 1:1 Chromebook Guide, and the Student Directory Information Policy.  |
| 2.                         | Yes | No | I, the parent/guardian of the above signed student, grant permission for my son/daughter and the school to publish student photographs/videos online, with the understanding that student last names and confidential personal information will not be published. |
| 3.                         | Yes | No | I, the parent/guardian of the above signed student, grant permission for my son/daughter to bring their district-issued Chromebook home.  |
| Parent/Guardian Signature: |     |    | Date:   |
| Student Signature:         |     |    | Date:   |

# Batavia City School District Acceptable Use Policy (AUP)

Chromebook Issued: \_\_\_\_\_

This policy may be amended at any time.

Legal Authorization: Education Law Sections 1604, 1709, 1804

## Purpose

The Batavia City School District Board of Education provides a computer system including the Internet to:

- promote educational excellence
- promote resource sharing
- promote innovative instruction
- promote communication
- prepare students to live and work in the 21st century

Teachers, other members of the instructional staff, and administrators are authorized to use the computer system and connections for instruction, professional development, training, research and communications related to curriculum. Students are also authorized to use the computer system for educational research and communication. The computer system includes all hardware, software, data communication lines and devices, terminals, printers, CDROM devices, tape driver, servers, server and personal computers, the Internet, email, local and wide area networks, and the use of wireless network with personal devices (BYOD/Bring Your Own Device).

Use of the system during school and professional hours must be (1) in support of education and or research, (2) for school business, (3) in support of the mission of Batavia City School District, and (4) in accordance with all Board of Education policies and state and federal regulations.

The computer system will also assist in sharing information with the local community including parents, local, state and federal government agencies, and businesses.

Access to the Batavia City School District computer system is a privilege and not a right. Violation of any of the provisions described below will result in disciplinary action.

## District Responsibility

The technology staff shall provide the following services including but not limited to:

- Establishing individual and class accounts (server based and online)
- Setting quotas for disk usage on the system
- Devising a district virus protection procedure
- Ensuring that each user has a current Acceptable User Agreement form on file

Batavia City School District will provide the following services including, but not limited to:

- Email accounts for staff and students in certain curriculum
- Internet access
- A filtering system

## Acceptable Use

Effective performance of computer and telecommunication networks, whether local or global, relies upon end users adhering to established standards of proper conduct. In general, this requires efficient, ethical, and legal utilization of network resources. Use of the Batavia City School District computer system must be consistent with the educational objectives and mission of the district.

Each employee, student, and parent or guardian of each student shall sign an Acceptable Use Agreement before gaining access to the Batavia City School District computer system. Any employee or student who fails to comply with the terms of this policy or the regulations developed by the Superintendent may lose system privileges. Employees may also be disciplined by the Superintendent up to and including termination depending upon the nature of the violation of this policy or the implementing regulations. Students may be disciplined in accordance with the district Code of Conduct. Employees and students may also be subject to appropriate legal action for violation of this policy or implementing regulations.

Each employee, student, and parent or guardian has read and signed off on the Batavia City School District Chromebook Policy Guide.

This is not intended to be an exhaustive list. Students, parents or staff who have questions about prohibited activities are encouraged to contact a building administrator.

### A. Illegal Activities

- Attempts to gain unauthorized access to accounts
- Use of an account not assigned to the individual
- Vandalism is not permitted and will be strictly disciplined
- Transmission of any material in violation of any law is prohibited. This includes but is not limited to: copyrighted materials, threatening or obscene materials, or material protected by trade secrets.
- Users will not plagiarize any materials from the Internet
- Users will not attempt to circumvent or bypass filtering system
- Users will not install or attempt to install any updates or upgrades to computer software
- Users will not install software on computers

### B. System Security

- Network accounts shall be used by authorized owners only
- Passwords should be kept private and changed frequently
- Users will immediately notify the instructor in charge if they have identified a possible security problem

### C. Inappropriate Language

- Students and employees will conduct themselves in a manner that is appropriate and properly represents Batavia City School District while online
- Use of obscene, profane, lewd, vulgar, rude, inflammatory, threatening or disrespectful language is expressly forbidden
- Information will not be posted that, if acted upon, could cause damage or a danger of disruption
- Users will not harass or otherwise engage in personal attacks
- Users will not participate in any form of cyber bullying

#### D. Inappropriate Use of System

- Use of IRCs (Internet Relay Chats, or similar services) is prohibited
- Internet use for commercial purposes, financial gain, personal business, product advertisements, or political lobbying is prohibited
- Users will not download large files unless absolutely necessary
- Users will not use excessive data storage or network bandwidth
- Users will not engage in spamming
- Educational games will be permitted at the discretion of the instructor providing that the student is passing and all school work is complete
- Users shall not use proxy sites, services, or programs to bypass internet filtering

#### E. Personal Safety (Restrictions are for students only)

- Personal information such as addresses, phone numbers, financial information, or non-district Email addresses shall not be included in network communications
- Students will not agree to meet with someone they have met online through the school computer system
- Students will promptly notify the instructor in charge if they receive any message that is inappropriate, offensive or makes them feel uncomfortable
- Personal email usage during school hours is expressly prohibited
- Students using personal devices are still subject to all school rules and regulations

#### Limitation of Liability

The Batavia City School District makes no warranties of any kind, whether express or implied, for the service it is providing. The District will not be responsible for any damages suffered while on the system. These damages may include loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by negligence, errors or omissions. The district specifically denies any responsibility for the accuracy or quality of information obtained through its services. Further, the district is not responsible for any unauthorized charge or fee resulting from use of the school computer system.

#### Right of Privacy

Employees and students have no right of privacy and should have no expectation of privacy in materials sent, received, or stored in the Batavia City School District computer system.

#### Parental Notification and Responsibility

The Batavia City School District will notify parents and legal guardians about the computer systems and the Board of Education Policy and Regulations governing its use. Parents must sign an Acceptable Use Agreement to allow their student access to the Internet and/or email. A parent who does not want their child(ren) to have access to the Internet and/or email may memorialize that decision via the Acceptable Use Agreement form. Parents and legal guardians have the right to revoke their permission and terminate the student's Internet access at any time. The school will provide information to the parents about the filtering software.

There is a wide range of material available on the Internet, some of which may not fit the values of particular families. It is not possible for the school district to monitor and enforce social values in student use of the Internet. Further, the school district recognizes that parents bear the primary

responsibility for transmitting their particular set of family values to their children; therefore, the school encourages parents to specify to their child(ren) what material is and is not acceptable.

### Violations/Due Process

The Batavia City School District will cooperate fully with local, state and federal officials in any investigation concerning or relating to any illegal activities conducted through the computer system. In the event that there is an allegation that a student or employee has violated the district's Acceptable Use Policy or the provisions of this regulation, the student or employee will be presented with the charges and provided an opportunity to present an explanation before further disciplinary actions are taken.

Disciplinary actions will be tailored to meet the specific concerns related to the violation and to assist the user in gaining the self-discipline necessary to behave appropriately on an electronic network. Disciplinary actions are in accordance with the Batavia City School District Code of Conduct and may include the following:

- Removal from the network
- Suspension
- Law Enforcement Involvement

### Search and Seizure

An individual search may be conducted when there is reasonable suspicion that the user has violated the law, the Code of Conduct, or School Board Policy. The nature of the search/investigation will be reasonable and in keeping with the nature of the alleged misconduct as per the Acceptable Use Policy.

System users have no right of privacy and should have no expectation of privacy in materials sent, received or stored in school owned computers or on the district computer system. Glossary

| Term       | Description  |
|------------|--|
| Harassment | Persistently acting in a manner that distresses or annoys another person.  |
| Plagiarize | To take the ideas or writing of others and presenting them as if they were original to the user.                                       |
| Spamming   | Sending an annoying or unnecessary message to a large number of people.  |
| Vandalism  | Any attempt to harm or destroy data or another user, agency or network including uploading, downloading, or creating computer viruses. |

### What is Blocking/Filtering Software:

Blocking/Filtering software is a mechanism used to:

- restrict access to Internet content, based on an internal database of the product, or;
- restrict access to Internet content through a database maintained external to the product itself, or;
- restrict access to Internet content to certain ratings assigned to those sites by a third party or;
- restrict access to Internet content by scanning text, based on a keyword or phrase or text string, or;
- restrict access to Internet content by scanning pixels, based on color or tone, or; restrict access to Internet content based on the source of the information