

DEPEW UNION FREE SCHOOL DISTRICT CODE OF CONDUCT

Mission Statement:

Challenge and Inspire students to achieve at the highest level and become responsible citizens

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Introduction

Education is more than the teaching of the 3R's. In order to become a contributing member of a complex society, students must learn to develop and accept the responsibilities and obligations necessary in achieving success. Our faculty and staff are dedicated to helping children realize these goals to become successful citizens. With the cooperation of home, school and community, we can see the best results in student achievement.

The Depew Union Free School District ("the District") is committed to providing a safe and orderly school environment where students may receive, and District personnel may deliver, quality educational services without disruption or interference.

Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieve this goal.

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

Unless otherwise indicated, this Code applies to all students, school personnel, parents, and other persons in parental relation to students, and visitors when on school property or attending a school function. This Code will not supersede any provisions set forth in the collective bargaining agreements in place in the District. Students needing assistance with the interpretation and/or application of outlined policies are encouraged to seek the help of classroom teachers, counselors, or building administration

***** This Code of Conduct has been drafted to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(l) of the Commissioner's regulations. Unless otherwise noted, all statutory references in the sample code are to the Education Law. This Code was developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

I. Definitions (additional definitions can be found in the Appendix)

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

Disruptive student - an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. For purposes of this Code of Conduct, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" means engaging in conduct that results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester.

Long-term suspension – a suspension of more than five consecutive school days.

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

School function - any school-sponsored curricular or extracurricular event or activity.

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

Short-term suspension - a suspension of five or less consecutive school days.

Student Support Service Personnel – District staff who provide educationally-related services to students, including social workers, psychologists, speech therapists, physical therapists, occupational therapists, and other health-related personnel.

Violent student - a student under the age of 21 whom:

(1) Commits an act of violence upon a teacher, administrator or other school employee, or attempts to do so.

(2) Commits, while on school property, at a school function, or school related venue an act of violence upon another student or any other person lawfully on school property or at a school function, or attempts to do so.

(3) Possesses, while on school property or at a school function, a weapon (as defined below)

(4) Displays, while on school property or at a school function, a weapon or what appears to be a weapon.

(5) Threatens, while on school property or at a school function, to use a weapon.

(6) Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

(7) Knowingly and intentionally damages or destroys school district property.

Weapon - a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, 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 physical injury or death when used to cause physical injury or death.

For a greater understanding of the terms Concerning School Safety and Educational Climate (SSEC) Violent or Disruptive Incident Related Terms see Appendix A at the end of the Code of Conduct (pg. 36).

II Student Rights and Responsibilities

A. Student Rights

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. A classroom atmosphere that is conducive to learning.
5. Be treated with respect by all members of the school community.
6. A free public education in the least restrictive environment.
7. Competent instruction that deals with the individual needs of the learner.
8. Feel secure in their personal safety and integrity.
9. Express them in a socially acceptable manner.
10. A program that will improve their physical well-being in the least restrictive environment.

11. A co-curricular, extracurricular program that is based on student interest and is supportive of the curriculum.
12. A clean, well maintained educational facility.
13. Experience the democratic process.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct and the acceptable use of technology.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report physical or verbal threats that have been made to students or staff, to the next level of supervisory authority for prompt action.
13. Utilize their lockers only for storage of clothing, books and other school materials.

III Essential School Partners

A. Expectations for Parents

All parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Recognize that before and after the educational process is done, parents are responsible for the timely receipt of their child end of day whether due to illness or, discipline needs.
3. Recognize that teachers deserve the same consideration and respect that parents expect from their children.
4. Send their children to school ready to participate and learn.
5. Ensure their children attend school regularly and on time and ensure that absences are excused.
6. Insist their children be dressed and groomed in a manner consistent with the student dress code.
7. Encourage the qualities of self-respect, respect for the Law, and respect for others and public property.
8. Review and know school rules and help their children understand them as provided in the Student Handbook.
9. Exemplify an enthusiastic and supportive attitude towards school and education.
10. Build good relationships with teachers, other parents and their children's friends.
11. Cooperate with the school in jointly resolving any school related problems and listen to views and observations of all parties concerned.
12. Help their children deal effectively with peer pressure.
13. Inform school officials of changes in the home situation that may affect student conduct or performance.
14. Insist that their children promptly bring home all communications from school.
15. Provide a structured environment for study and ensure homework assignments are completed.

B. Expectations for Teachers/Teacher Aides

All District teachers and teacher aides are expected to:

1. Maintain a climate of mutual respect and dignity, as well as model professional behavior towards parents, staff and students. This will strengthen students' self-concept and promote confidence to learn.

2. Be prepared to teach, provide instructional support, and continue to maintain knowledge of subject matter.
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. Make students aware of support services and ensure students receive such services when appropriate.
7. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other Policies.
8. Maintain confidentiality of all personal information and academic records concerning students and their families.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and or the Dignity Act Coordinator (DAC) in a timely manner.

C. Expectations for School Counselors

All District counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/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. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other Policies.

7. Maintain ongoing communication with teachers, administrators, students and parents.
8. Shall not be placed in a disciplinary role inconsistent and detrimental to job related relationships with students and parents.
9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and or the Dignity Act Coordinator (DAC) in a timely manner.

D. Expectations for Student Support Service Personnel (Psychologists, OT/PT, Speech Pathologists, etc.)

All District student support service personnel are expected to:

1. Support educational and academic goals.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concepts and promote confidence to learn.
4. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's Character Education Program. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other Policies.
5. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and or the Dignity Act Coordinator (DAC) in a timely manner.

E. Expectations for Building Administrators

All District building administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal to address grievances.
3. Evaluate 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. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other Policies.

F. Expectations for Superintendent and District Administrators

The Superintendent and all District administrators are expected to:

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 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. Act as a role model for students and colleagues by demonstrating character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other policies.
7. Promote open communication with students, teachers, administration, staff and parents.

G. Expectations for Additional Staff (Buildings and Grounds, Food Service, Clerical, Contract Personnel, Volunteers and any individual on an educationally related learning/service program) are expected to:

1. Support all educational and school policies.
2. Be knowledgeable and adhere to all policies and procedures consistent and accepted in building and district venues.
3. Promote a healthy and safe school environment.
4. Act as a role model for students by demonstrating appropriate attitudes and behaviors that support the educational process. Maintain a climate of mutual respect and dignity, as well as model professional behavior towards parents, staff and students. This will strengthen students' self-concept and promote confidence to learn.

5. Demonstrate character traits consistent with those emphasized in the District's DASA, Civility, Citizenship and Character Education/Interpersonal Violence and various other policies.

H. Expectations for Members of the Board of Education

All members of the Board of Education ("Board") are expected to:

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 annually 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, courteous manner.

IV Student Dress Code

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

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that brief garments and see-through garments are not appropriate.
3. Ensure that underwear and undergarments are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats or headwear in the building except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

*****Please refer to the Student Handbook in place at your building for further guidance and resource.***

V Maintenance of Order on School Property (Prohibited Student Conduct)

The Depew Board of Education expects all students to conduct themselves in a manner consistent with high regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of

others, engage in misconduct on the school bus, and/or engage in any form of misconduct on internal/external internship sites or experiences.

A. Engage in conduct that is disorderly. Examples of disorderly conduct include but not limited to:

1. Engaging in any act which disrupts the normal operation of the school community.
2. Obstructing vehicular or pedestrian traffic.
3. 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.
4. 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.
5. Use any audio or video recording devices, radios, or other personal electronic devices (including but not limited to: cellular phones, portable games, e-readers) on school grounds during the school day without advance written permission from his/her teacher or a building administrator.
6. Use of personal communication devices such as cell phones, pagers, and/or two-way radios on school grounds during the school day without advance written permission from a building administrator. (See Appendix D for School cell phone and electronic devices usage guide).

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but not limited to:

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

C. Engage in conduct that is disruptive. Examples of disruptive conduct include but not limited to:

1. Engaging in any willful act which disrupts the normal operation of the school community.

2. Endangering the health and safety of other students or staff or interfering with classes or activities by means of inappropriate appearance or behavior as per the Depew District Code of Conduct.
3. Engaging in conduct that, unintentionally, leads to injury or harm to another due to inappropriate or poorly chosen behavior (horseplay, roughhousing, teasing, etc.).

D. Engage in conduct that is violent. Examples of violent conduct include but not limited to:

1. Committing, threatening, or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing, threatening, or attempting an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Using weapon (s).
7. Damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
8. Damaging or destroying school District property, etc.
9. Communication by any means including oral, written or electronic (such as through the internet or email) off school property, where the content of the such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in, or can be reasonably forecast to result in, material or substantial disruption.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include but not limited to:

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

the reputation of the person or the identifiable group by demeaning them. This can include posting, publishing, or disseminating written or electronic materials, video, audio recordings, or pictures that are defamatory on the Internet (YouTube, Facebook, MySpace, etc.) or on a cell phone.

4. Discrimination, which includes the use of race, ethnic group, color, national origin, religion, religious practices, weight, gender, sex, sexual orientation, or disability as a basis for treating another in a negative manner.
5. Harassment, in compliance with the “Dignity For All Students Act,” [which states, “No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.”](see Appendix C), includes any communication (verbal, written, electronic, or graphic) and/ or physical conduct based on the above listed categories and also includes, political affiliation, sexual orientation, age, marital or veteran status; or a sufficiently severe action, or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
6. Material Incidents of Bullying, Harassment, Discrimination and/or Intimidation: A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. This includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort. The behavior either 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, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm. It may also reasonably cause 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. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and nonverbal actions.
7. Cyberbullying include the use of instant messaging, email, websites, chat rooms, and text messaging, or any other form of electronic communication, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a

sexual nature (including taking, sending or receiving sexually explicit videos, pictures or auditory recordings) when submission to the conduct interferes with a student's academic performance or participation in an education activity or creates a hostile educational environment. (See Board Policies #6121, #7551, # 7550)

9. Displaying overt signs of gang affiliation or engaging in gang-related behaviors that have been observed to increase the level of conflict or violent behavior in the schools or under circumstances in which school authorities may reasonably forecast violence or substantial disruption of school activities.
10. Hazing, which includes any intentional or reckless act directed against another student for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team or any other activity intended to make another person uncomfortable or fear for personal, social and/or physical safety.
11. Creating, selling, using or possessing obscene material.
12. Possessing, consuming, being under the influence of, selling, distributing, or exchanging alcoholic beverages, tobacco or look alike products, e-cigarettes, drug paraphernalia, over the counter drugs, and/or illegal substances. "Illegal substances" include, but are not limited to, synthetic cannabinoids, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs." Synthetic cannabinoid products are often sold as incense, herbal mixtures, or potpourri. These products are produced, distributed, marketed, and sold as legal alternatives to marijuana and often carry a label stating "not for human consumption" to disguise the true nature of the substance.
13. Possessing and/or inappropriately using, consuming, sharing, selling, or attempting to sell, distributing, or exchanging prescription and over-the-counter drugs, "look-alike drugs"; or substances such as dietary supplements, weight loss pills, etc.
14. Gambling and gaming.
15. Inappropriate touching and Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Violating appropriate privacy when using school restroom and/or physical education and athletic locker rooms.

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. Student will:

1. Follow all directions from the driver and aide.
2. Refrain from excessive noise, pushing, shoving and fighting.
3. Remain seated and keep the aisles clear.
4. Maintain appropriate noise levels.

G. Engage in any form of academic misconduct. Examples of academic misconduct include but not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records/forgery.
5. Assisting another student in any of the above actions.
6. Electronic sharing of document to be presented as the work of another student, in part or whole.
7. Taking the electronic work of another person, with or without permission, to present as your own in any manner.

Please refer to the Student Handbook in place at your building for further guidance and resource. Also refer to DUFSD Policy Manual Numbers – 6121, Sexual and Other Harassment, Discrimination and Retaliation (Employees and Third Parties) -7551, Sexual and Other Harassment and Retaliation (Students), 7552 Bullying: Peer Abuse in Schools.

VI Depew Academic Eligibility Program (See Appendix B pg. 47)

Academic success is the top priority for the Depew Union Free School District. All students at Depew Middle/High School must maintain Academic Eligibility in order to participate in any extracurricular club, activity or sport.

Students are academically eligible to participate as long as they are a registered student at Depew Middle/High School, scheduled for the minimum 6 classes per semester plus physical education, and have a passing grade in all subjects at each time that eligibility is determined. All students are eligible at the beginning of each new school year. Eligibility is determined after the first five weeks then at the report card period.

This Academic Eligibility policy applies to all extracurricular activities, athletic contests and school sponsored overnight trips.

Please refer to Appendix B and/or to the Student Handbook at your building for further guidance.

VII Reporting Violations

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

All District staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime or substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

The provisions of this Code of Conduct shall not be interpreted to preclude any District employee from pursuing any civil or criminal action(s).

VIII Disciplinary Procedures, Penalties, and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School

personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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

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

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.

1. Verbal warning.
2. Written warning.
3. Written notification to parent.
4. Detention.
5. Suspension from transportation.
6. Suspension from athletic participation.
7. Suspension from social or extracurricular activities.
8. Suspension of other privileges (such as computer use, attending events)
9. In-school suspension.
10. Removal from classroom.
11. Short-term (five days or less) suspension from school.
12. Long-term (more than five days) suspension from school.
13. Permanent suspension from school.

B. Procedures

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

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

1. *Detention*

Teachers, 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. When detention is imposed as a penalty, the student's parent will 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 building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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

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

4. *In-school suspension*

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals 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.” A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. *Teacher disciplinary removal of disruptive students*

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- a. Occasional use of short-term “time out” in another classroom or in an administrator’s office;
- b. Sending a student into the hallway briefly;
- c. Sending a student to the principal’s office for the remainder of the class time only; or
- d. Sending a student to a school counselor or other District staff member for counseling. Students should not be sent to the Guidance Office as a disciplinary measure.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

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

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

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

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

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

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

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

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

A designated removal area will be identified at each building.

6. *Suspension from school*

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

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

All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All referrals shall be made in writing unless the conditions underlying the referral

warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member.

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

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

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The

Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give, within 24 hours, notice to the student and the student's parents of their right to a fair hearing with the same considerations as with the Short Term Suspension explained above. 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 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. *Students who bring a weapon to school*

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

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

*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 weapon to school*

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension

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

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

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

D. Referrals

1. Counseling

The Guidance Office, upon notification from the Superintendent or his designee, shall provide a list of options for referrals of students for counseling at human service agencies.

2. PINS Petitions

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

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.

b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.

3. Juvenile Delinquency and Juvenile Offenders

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

a. Any student under the age of 16 who is found to have brought a weapon to school, or

b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

IX Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. Please refer to the Student Handbook in place at your building for these provisions.

X Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities 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.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of

Conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, without following the procedures mentioned above.

XI Corporal Punishment/Physical Restraint

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this District. However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken. (District Policy 7350).

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

XII 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. However, school officials will tell all students why they are being questioned.

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

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a District employee only when the District employee has reasonable cause to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable cause exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable cause exists to believe that a student possesses a weapon or other contraband, it is permissible for a District employee to frisk that student.

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

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

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

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places (including but not limited to cloud storage and email) may be subject to search at any time by school officials, without prior notice to students and without their consent. In cases where cloud storage and email are concerned the Technology Coordinator or his designee may conduct such searches. School officials may request other persons to be present when the locker is opened.

B. Other Searches

More intrusive searches may occur in accordance with board policy and law.

C. 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. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

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

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

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

D. Child Protective Services Investigations

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

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

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

XIII 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 principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. During normal school hours, all visitors to the school must report to the office of the principal upon arrival. 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. Parents or citizens who wish to observe a classroom while school is in session are required to obtain prior consent and approval of the teacher(s) and the administrative staff in advance of such visits, so that class disruption is kept to a minimum.
4. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
5. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIV 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. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

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

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

A. **Prohibited Conduct**, includes, but is not limited to, the following:

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Without permission, express or implied, enter into any private office of an administrative officer, member of the faculty or staff member.

3. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson nor remove or use such property without authorization.
4. Disrupt the orderly conduct of classes, school programs or other school activities, or deliberately interfere with the freedom of any person to express his or her views, including invited speakers.
5. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
6. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person and/or vehicle in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function. Tobacco use is prohibited in school buildings and on school grounds.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school district officials performing their duties. School district officials will identify themselves and/or exhibit proof of their identity as officials.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Willfully take, damage, alter or destroy files, records, documents or other property of the District without appropriate authorization.
17. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

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, in accordance with the due process requirements.
3. **Tenured faculty members.** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a/or any other legal rights that they may have, including rights under the applicable collective bargaining agreement.
4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have, including rights under the applicable collective bargaining agreement.
5. **Staff members other than those described in subdivisions 4 and 5.** They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have, including rights under the applicable collective bargaining agreement.

C. Enforcement

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

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XV Dissemination and Review

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

1. Providing copies of a plain language summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year.
2. Notifying all district residents, via the Calendar, of a posting of the Code of Conduct on the District Website and student handbooks before the beginning of the school year and making a copy available upon request.
3. Providing all current teachers and other staff members with the same notification pertinent to the website as above regarding the Code of Conduct.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the Code of Conduct available for review by students, parents and other community members.

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

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

The District's Committee on the Code of Conduct will meet annually to assist the Board in reviewing the Code and the District's response to Code of Conduct violations. The Committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

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

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

9/18/17

Appendix A

GLOSSARY OF TERMS USED IN REPORTING VIOLENT AND DISRUPTIVE

INCIDENTS

Definition are taken in part from the Glossary of Terms used in the Annual Reporting of Incidents Concerning School Safety and Educational Climate (SSEC) Violent or Disruptive Incident Related Terms ¹

Violent or disruptive incident: an incident that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, and falls under one of these categories:

1. **Homicide:** any intentional violent conduct that results in the death of another person.
2. **Sexual Offenses:**
 - a. **Forcible Sex Offense:** Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.
 - b. **Other Sex Offenses:** Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.

¹ Education Law §2802, 8 NYCRR §100.2(gg)

3. **Assault:** engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories:
- a. **Physical Injury:** means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion
 - b. **Serious Physical Injury:** means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
4. **Weapons Possession:** possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:
- a. **Routine Security Checks:** possession of one or more weapons (see list below) secured through routine security checks.

Weapons: means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paintball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, canesword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a slingshot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kungfu star, ninja star, nunchuck, or shiriken;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;

- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition;
- xi. or any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

b. **Weapons possessed under other circumstances:** Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.

5. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)

- a. A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.

In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Commissioner's regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (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, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; 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. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and nonverbal actions.³

- Bullying is defined as a form of unwanted, aggressive behavior among students that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.⁴
 - Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
 - Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
 - Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental.
 - Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.
- b. Cyberbullying is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii)).

²For additional information and resources, please see

<http://www.p12.nysed.gov/dignityact/documents/SED-AGLtrandGuidance8-31-16.pdf>

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

³ Education Law §11(7), 8 NYCRR §100.2(kk).

⁴ <http://www.p12.nysed.gov/dignityact/documents/TrainingMaterialsFnI8-31-16.pdf>;

6. **Bomb Threat:** a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.
7. **False Alarm:** Causing a fire alarm or other disaster alarm to be activated knowing there is no danger or, through false reporting of a fire or disaster.
8. **Use, Possession, or Sale of Drugs:** illegally using, possessing or being under the influence of a controlled substance or marijuana on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.
9. **Use, Possession, or Sale of Alcohol:** illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.
10. **Robbery:** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.
11. **Arson:** Deliberately starting a fire with intent to damage or destroy property, with or without a weapon. The fire may be started by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with or without a weapon. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.
12. **Kidnapping:** To abduct, as defined in Penal Law §135.00, a person, so as to restrain such person with intent to prevent his or her liberation, by either: (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force, with or without a weapon.
13. **Reckless Endangerment:** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury, with or without a weapon. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:

- a. Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
 - b. Incidents involving a person choking another individual, including, but not limited to incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.
 - c. Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.
 - d. Driving a car erratically and recklessly in a school parking lot while other student(s), staff, or individuals are present.
14. **Minor Altercations:** involving physical contact and no physical injury, with or without a weapon. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.
15. **Burglary:** Entering or remaining unlawfully on school property with intent to commit a crime, with or without a weapon.
16. **Criminal Mischief:** Intentional or reckless damaging of the property of the school or of another person, including, but not limited to vandalism and the defacing of property with graffiti, with or without a weapon.
17. **Larceny or Other Theft Offenses:** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another, with or without a weapon.
18. **Riot:** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm, with or without a weapon.
19. **Other Disruptive Incidents:** Other incidents involving disruption of the educational process

Bias-Related Terms ⁵

- 1. Biased-related conduct:** conduct that is motivated by a victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
- 2. Race:** the groups to which individuals belong, identify with, or belong in the eyes of the community.
- 3. Ethnic Group (Ethnicity):** an affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.
- 4. National origin:** is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.
- 5. Religion:** religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
- 6. Religious Practices:** religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
- 7. 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

⁵ These terms are consistent with those found in the publication entitled, Dignity Act: A Resource and Promising Practices Guide for School Administrators & Faculty, Appendix A. For further descriptions and examples of these definitions please see:

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

techniques or a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).

8. **Gender:** means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).⁶

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

10. **Sex:** is the biological and physiological characteristics that define men and women.

11. **Other:** can include, but is not limited to, physical characteristics age, socioeconomic status, health condition, housing, domestic relationships, social/academic status, etc.

⁶ For further explanation refer to http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf and <http://schools.nyc.gov/NR/rdonlyres/6AAB4B91-3292-4EB0-86D8-DC0FF7811CC1/0/TransGNCGuidelinesMarch1finaltopost.pdf>

Other Related Terms

- 1. Gang-Related:** when an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.
- 2. Group-Related:** an incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.
- 3. School Property:** shall mean 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. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i))
- 4. School Function:** means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(kk)(1)(ii))
- 5. School Bus:** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).
- 6. Target:** refers to a person who has been mistreated and/or injured or the individual intended to be affected by the incident.
- 7. Victim:** see the definition of target.
- 8. Disciplinary or Referral Action:** for purposes of reporting, a consequence ⁷ assigned based on the violation of the school's code of conduct and reported under one of the following:

⁷ Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal.

- **Counseling or Treatment Programs:** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
- **Teacher Removal:** is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).
- **Suspension from Class or Activities:** For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/ extracurricular activities, such as band, choir, or athletics. All incidents resulting in an in-school suspension that lasts for the equivalent of one school day or more must be reported. Suspensions from activities or transportation for five or more consecutive school days must also be reported.
- **In-School Suspension:** is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel.
- **Out-of-School Suspension:** a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of suspension, in an alternate setting, separate from the school which his/her class/age peers attend.
- **Involuntary transfer to an Alternative Placement:** is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to

receive instructional services. This could also include alternate (i.e. condensed) hours.

- **Community Service:** when a school/district determines work that is assigned without pay to help a community.
- **Juvenile Justice or Criminal Justice System:** when a student engages in an incident that rises to the level of a criminal offense, the school reports the incident to the juvenile justice system which intervenes through police, court, and/or correctional system.
- **Law Enforcement:** when a student engages in an incident, that occurs on school grounds, school-related events, or while taking school transportation and rises to the level of a criminal offense, the school reports the incident to any law enforcement agency or official.

9. **Sexting:** is described as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.⁸

10. **School-related arrests:** refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.⁹

⁸For additional cyberbullying related terms, refer to Appendix A in <http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

⁹ Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq., (Public Law 114-95, title 1, section 8532, 129 STAT. 1802); Education Law §2802(7).

Appendix B

Depew Academic Eligibility Policy

(Updated August 2018)

Depew Academic Eligibility Policy (Updated August 2017) Academic success is the top priority for the Depew Union Free School District. All students at Depew Middle/High School must maintain Academic Eligibility in order to participate in any extracurricular club, activity or sport. **Students are academically eligible to participate as long as they are a registered student at Depew Middle/High School, scheduled for the minimum 6 classes per semester plus physical education (*except seniors with an abbreviated schedule) and have a passing grade in all subjects at each time that eligibility is determined. Eligibility will be determined at the 5, 10, 20, 30 &40 week reports.**

This Academic Eligibility policy applies to all extracurricular clubs/activities, athletic contests and school sponsored overnight trips and ticketed building events including but not limited to the Homecoming Dance, Prom, & Senior Celebrations.

If the student is ***failing one subject** at the time of eligibility determination, the student will remain eligible to participate as long as they receive remediation in the failed subject until the next 10-week report card. The Depew Eligibility Evaluation Form must be completed and signed and turned in every Thursday by 12:00 PM indicating that the student is now in good academic standing. If the student does not receive remediation, he/she becomes ineligible. These forms are available through the Athletic Director's office or the Main Office.

If the student is **failing two or more subjects** at the time of eligibility determination, the student is **ineligible** for participation for a minimum of two weeks during which time the student must receive remediation in the failed subjects and complete The Depew Eligibility Evaluation Form each week for the remainder of the 10-week period. During this period of ineligibility, the student may rehearse, prepare, and in the case of interscholastic sports, practice but cannot participate in that activity or contest as a member.

{N.B. - New York State Public High School Athletic Association regulations require that a student must meet mandated practice requirements in order to compete in an athletic competition.}

A student may have his/her eligibility status upgraded to probationary at the end of the second full week of each ten-week period by submitting proof of successful remediation. The Depew Eligibility Evaluation Form must be completed, signed, and turned in every Thursday by 12:00 PM indicating that the student is now in good academic standing. If the student's work is not satisfactory, eligibility will not be given. The student must continue to remediate and complete the eligibility form each week until a new ten-week eligibility list has been issued. If eligibility is not initially reinstated, the student may attempt to regain eligibility in succeeding weeks.

Eligibility will be determined as follows:

- At the 5, 10, 20, 30 and 40 week reports.

Procedures for the end of year only:

- If a student fails one or more classes they will be placed on probation for the first 5 weeks at the beginning of the following school year. During the probationary period, the student must remain in good academic standing in all subjects and complete the Depew Eligibility Evaluation Form each week.
- Students may avoid the probationary period at the beginning of the new school year by attending summer school to correct the deficiency after the 40th week.
- A teacher can petition to have a student either removed from or added to the eligibility list for the remainder of the marking period. There is a Depew Eligibility Petition Form that will need to be submitted to building administration for review. If the petition is approved, the student will be removed or added as appropriate. If a new student is being added, he or she will start in **probationary** status. If a current student has a class being added to the remediation plan, he or she will remain in the same status at the current time.

Students who are working toward a local diploma and have an IEP (Individual Education Plan) who are not maintaining the standards of their IEP will be evaluated individually. The evaluators will include the IEP primary service provider, the coach or advisor, and the Building Principal.

It is the coach or advisor's responsibility to monitor the student's academic progress. If a student has been ineligible for 5 consecutive weeks and makes no effort, the student will be removed from the activity. A student's ineligibility status may be reviewed by a committee consisting of the Building Principal, Athletic Director, coach or advisor, and the teachers whose classes have been failed.

* A grade of incomplete will be treated as a failing grade.

C. DIGNITY FOR ALL STUDENTS ACT AND REGULATORY AMENDMENTS

The following information provides an update pertaining to the implementation of the Dignity for All Students Act (Dignity Act).

1. Codes of Conduct

The Board of Regents has approved an amendment to §100.2(l) related to existing Codes of Conduct in public schools. The Regents also approved the addition of a new §119.6 relating to Codes of Conduct in charter schools. These actions take effect on July 1, 2013.

See: www.regents.nysed.gov

Key principles to be incorporated in **Codes of Conduct in public schools**

include:

Provisions prohibiting discrimination and harassment **against any student by employees or students** on school property or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where or where it is foreseeable that the conduct might reach school property, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation or abuse (verbal or non-verbal), of such a severe nature that: 1. It 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 2. Reasonably causes or would be reasonably be expected to cause a student to fear for his/her physical safety [8 NYCRR Section 100.2(2)(1)(2)(ii)(b)(3)(iii)].

Such conduct shall include, **but is not limited to**, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex.

Provisions for responding to such acts of discrimination or harassment **against students by employees or students** on school property, at a school function, or off school property when the actions create a risk of substantial disruption within the school environment or where the conduct might reach school property.

A bill of rights and responsibilities of students which focuses upon positive student behavior and a safe and supportive school climate, **written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis.**

Posting the complete code of conduct, respectively, on the Internet web site, if any, of the school or school district, or of the board of cooperative educational services, including any annual updates.

Guidelines and programs for in-service education programs for **all** district staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students *and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom.*

Providing copies of a **summary of the code of conduct to all students, in an age-appropriate version**, written in plain-language, at a school assembly held at the beginning of each school year.

Provide a plain language summary of the code of conduct to all persons in parental relation to students before the beginning of each year and making such summary available thereafter upon request.

Since its enactment in 2000, §801-a on civility, citizenship and character education has been interpreted by the Department to be inapplicable to charter schools.

For more information on the Dignity Act, please see: www.p12.nysed.gov/dignityact or call 518-486-6090.

D. SCHOOL CELL PHONES & ELECTRONIC DEVICES PROGRAM

Depew High School

Cell phone use during school hours

- Cell phones must be on silent mode
- Phone use is for non-verbal communication only
- Earbuds are allowed when appropriate
- Headphones are not allowed in school
- Cell phones can be used for nonverbal communication in the cafeteria and in the hallways during passing periods.
- Cell phones are not allowed to be used for any reason in the following locations; lavatories, locker rooms, internal suspension, detention, and the auditorium.

- Cell phones are only allowed to be used in study hall or an academic classroom with teacher permission.

Other electronic devices such as IPODS, camcorders, cameras may be used in a classroom, cafeteria, and study hall at the teacher's discretion. The use of such items is a privilege. Inappropriate cell phone or cyber activities that are done inside or out of school but negatively impact the daily instructional program of the school will be dealt with by the code of conduct.

Depew Middle School

- The use of cellular devices for the purposes of communicating during regular school hours is strictly prohibited.
- If a student has a cellular phone, it must be maintained in the student's locker until the end of the school day.
 - If a student is observed using or holding a cell phone, a school official has the authority to confiscate the device and turn into the main office where the item will be secured and appropriate action taken:

Consequences range from phone confiscation to more serious actions such as ISS.

**If necessary or an emergency permits, students may request permission to use a phone a teacher's classroom or the main office.*

Cayuga Heights Elementary School

Cell phones are not allowed in school

Depew UFSD is not responsible for stolen or lost items.

E. Board of Education Policies and Regulations pertinent to the Code of Conduct and Dignity for All Students Act

(not limited to following examples):

Policy 3410 – Code of Conduct on School Property,
 Policy 3411 – Unlawful Possession of a Weapon Upon School Grounds
 Policy 3412 – Threats of Violence in School,
 Policy 3420 – Uniform Violent and Disruptive Incident System,
 Policy 6121 – Sexual and Other Harassment, Discrimination and Retaliation (Employees and Third Parties),
 Policy 7311 – Loss or Destruction of District Property or Resources
 Policy 7360 – Weapons in School and the Gun- Free School Act,
 Policy 7550- Dignity for All Students Act,
 Policy 7551 – Sexual and Other Harassment, Discrimination and Retaliation (Students),

Policy 7552 – Bullying: Peer Abuse in the Schools,
Policy 8242- Civility, Citizenship and Character Education/Interpersonal Violence
Prevention Education
Policy 8130 – Equal Educational Opportunities,
Regulation 7550R -Dignity for All Students Act

District Links

District Safety – C.A.T.S. (Comprehensive Anonymous Tip System) - Related
Links – Incident, Bully and Dignity for All Student Acts Reporting Forms

Dignity for All Students informational page –
<http://www.regents.nysed.gov/dignityact/>

NYSED informational Internet Safety page
-http://www.p12.nysed.gov/technology/internet_safety/

