

# **Westfield Academy and Central School**

## **Code of Conduct**

### **2019-2020**



#### **WACS Mission Statement**

“With a commitment to excellence, Westfield Academy and Central School, in partnership with the community, will educate all students to the highest level of their academic potentials, teaching them the skills and knowledge to become capable and responsible members of society. We will provide all students with a range of challenging educational opportunities in a safe, supportive environment that fosters honesty, integrity and respect for self and others.”

Amended: 07/10/2019

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**All District, Secondary, Pupil Personnel Services, Guidance, Health Office, and Athletic information has been placed on the school website. A hard copy is available upon request. Contact the Secondary Office at (716) 326-2151 x 203.**

# Code of Conduct

## I. Introduction

The Westfield Central School Board of Education (Board) is committed to providing a safe and orderly school environment, free from harassment and discrimination, where students may receive and district personnel may deliver quality educational services. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

The Board recognizes the need to 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 Board adopts this Code of Conduct (“Code”).

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

## II. Definitions

For purposes of this Code, the following definitions apply:

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

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

“School Property” means in or within any building, structure, athletic playing field, playground, parking lot, land contained within the real property boundary line of a public elementary or secondary school, in or on a school bus, as defined in Vehicle and Traffic Law #142 or other transportation vehicle, and/or any property in use by the school.

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

“Disability” means (A) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (B) a record of such an impairment or (C) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities, which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law ss11[4] and Executive Law s292[21]).

“Employee” means any person receiving compensation from the school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to

title nine-B of article five of the Social Services Law, and consistent with provision of such title for the provision of services to such district, its students or employees, directly or through contract (Education Law ss11[4] and 1125[3]).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law s11[5]).

“Gender” means actual or perceived sex and includes a person’s gender identity or expression (Education Law s11[6]).

“Harassment/bullying” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law s11[7]). Such definition shall include acts of harassment or bullying that occur: on school property, at a school function, or off school property where such acts create 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 purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions (Education Law §11[7]).

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

“Race” means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

“Color” means the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“Weight” means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size."

“National Origin” means a person's country of birth or ancestor's country of birth.

“Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

“Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

“Religious Practice” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

“Sex” means the biological and physiological characteristics that define men and women. (male and female denote "sex".)

“School function” means any school-sponsored extra-curricular event or activity.

“Violent student” means a student under the age of 21 who:

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

“Weapon” means a firearm as defined in 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, air-soft gun, paintball gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, throwing stars, 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.

“Fraternization” means inappropriate behavior including, but not limited to, flirting, making suggestive comments, dating, requests for sexual activity, physical displays of affection, giving inappropriate personal gifts, frequent personal communication (via phone, e-mail, text messaging, social media, letters, notes, etc.) unrelated to the sport or official school matters, inappropriate touching, or engaging in sexual contact and/or sexual activity. Students must establish appropriate personal boundaries and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

“Cyberbullying” means harassment or bullying by any form of electronic communications, and include incidents occurring off school property that create or would foreseeably create a risk of substantial disruption with the school environment.

“Hazing” means any dangerous or humiliating activity expected of a student to join a group, regardless of their willingness to participate. Acts constituting hazing may range in severity from teasing or embarrassing a student to various forms of physical, emotional, and/or sexual abuse.

### III. Student Rights and Responsibilities

The Westfield School District is committed to safeguarding the rights given to all students under state and federal law. The Westfield Central School Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference.

All district students have the right to:	All district students have the responsibility to:
1. Attend school in the district in which his/her parent or legal guardian resides and be provided a safe public education.	Attend school daily and be on time to all classes, except when ill and be prepared to learn.
2. Take part in all District activities on an equal basis regardless of race, creed, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.	Contribute to maintaining a safe and orderly school environment that is conducive to learning. This includes demonstrating respect and dignity for others regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.

3. Expect that the school be a safe, orderly place for all students.	Contribute to maintaining a safe school environment that is conducive to learning and to show respect to other persons and to property.
4. Be granted equal and appropriate educational opportunities, regardless of disabilities.	Work to the best of their ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
5. Be provided direction or guidance.	React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner and ask questions if they do not understand.
6. Be granted the ability to express and resolve grievances, which cannot be resolved through informal discussion.	Work to develop mechanisms to mediate and resolve conflict in a respectful manner.
7. Access school rules and, when necessary receive an explanation of those rules from appropriate school personnel, following the chain of command (Teacher, Principal, Superintendent, Board of Education).	Seek help in solving problems that might lead to discipline and accept responsibility for their actions. Be aware of all school rules and expectations in accordance with the Code of Conduct.
8. Dress to express individuality.	Dress appropriately for school and school functions according to the school dress code.
9. Be seen and respected as an individual entitled to his or her personal dignity and integrity.	Conduct themselves as representatives of the district when participating in or attending school-sponsored extra-curricular events and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.

## IV. Essential Partners

The Westfield Academy and Central School District Essential Partners have the following responsibilities:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention in a timely manner.

### A. Parents

All Parents of the Westfield District are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Maintain respectful relationships with teachers, other parents, and their children's friends.

10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Provide a healthy diet.

**B. Teachers**

All Westfield Academy and Central School teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen student's self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate course objectives and requirements, grading procedures, assignment deadlines, expectations and classroom discipline procedures to students and parents:
6. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

**C. School Counselors**

All school counselors at Westfield Academy & Central School 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.

**D. Principals**

Principals at Westfield Academy & Central School 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 for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

**E. Superintendent**

The Superintendent at Westfield Academy & Central School is 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 students and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

## **F. Board of Education**

Westfield's Board of Education will:

1. Collaborate with student, teacher, administrator, parent organization, school safety personnel and all other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel, and visitors on school property and at school functions.
2. Adopt and review, at least annually, the district's Code of Conduct to evaluate the code's effectiveness, as well as the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.

## **G. Dignity Act Coordinator (DAC)**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
2. Coordinate, with the Curriculum Steering Committee, training in support of the DASA (Dignity for All Students Act) committee.
3. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention committee along with student council.
4. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.

The Board of Education shall appoint the Dignity Act Coordinators. DeAnn Shelters and Heath Forster for the Elementary and Amy Brinkley for the Middle/High School. The DASA team consists of the following staff members- Heath Forster, Amy Brinkley, DeAnn Shelters, Ashley Raynor, and Molly Anderson. The DASA team can be reached by calling 326-2151.

## **H. Title IX Notification**

The Westfield Central School District in compliance with Title IX of the Educational amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA) hereby designates, Superintendent and School Business Official, as the Title IX/Section 504/ADA Coordinators for the Westfield Central School District. The Coordinator is responsible for resolving complaints and discrimination based on sex or disability. He/She is also responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status or marital status.

Superintendent or School Business Official can be reached at Westfield Central School, 203 East Main St. Westfield, NY 14787 or by calling 326-2151.

## **V. Dignity for All Students**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students by school employees or students on school property, and at school sponsored activities and events that take place at locations off school



property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Effective July 1, 2013, the amended DASA act includes cyberbullying as a form of bullying and harassment. These behaviors that occur off-school property that have the potential of creating a risk of disruption on school property will be addressed through the code of conduct.

#### **A. Training**

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationship, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten thru 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. "Tolerance," "respect for others," and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

#### **B. Reports of Discrimination and Harassment**

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

#### **C. Prohibition of Retaliatory Behavior**

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from all civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witness and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

(Education Law Section 10-18 and 801-a)

#### **D. Disciplinary and Remedial Consequences**

The District will provide measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. The focus of discipline will be on discerning and correcting the reasons why discrimination and harassment occurred. The remedial responses will be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act or acts. Appropriate remedial measures may include, but are not limited to:

1. Peer support groups; corrective instruction or other relevant learning or service experience

2. Supportive intervention
3. Behavioral assessment or evaluation
4. Behavioral management plans, with benchmarks that are closely monitored
5. Student counseling and parent conferences
6. Supervisory system which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment and bullying
7. School and community surveys or other strategies for determining the conditions contributing to relevant behavior
8. Adoption of research-based, systemic harassment prevention programs
9. Modification of schedules
10. Adjustment in hallway traffic and other student routes of travel
11. Targeted use of monitors
12. Staff professional development
13. Parent conferences
14. Involvement of parent-teacher organizations
15. Peer support groups
16. In-school suspension
17. Out of school suspension
18. Expulsion

## **VI. Student Dress Code**

**Westfield Academy and Central School reserves the right to update and alter the guidelines as situations warrant. All decisions made by administration with regards to dress guidelines are final and must be adhered to.**

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. Students must adhere to the following guidelines:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief, see-through and/or suggestive garments such as tube tops, net tops, halter tops, crop tops, spaghetti straps, plunging necklines (front and/or back) are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. No hats, hoods, headwear of any kind or sunglasses are to be worn during the school day except when required for medical or religious reasons.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of a person's actual or perceived race, color, religion, religious practice, creed, national origin, ethnic group, gender, sex, sexual orientation, weight or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Jewelry that is deemed unsafe.
9. Clothing that is too revealing as deemed by administration.
10. Backpacks should remain in your locker unless part of a student's individual learning plan.

Each Westfield School building Principal, and 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.

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.

## **VII. Prohibited Student Conduct**

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

Westfield students may be subject to disciplinary action, up to and including suspension from school, when they:

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

1. Running in hallways
2. Making unreasonable noise
3. Using language or gestures that are profane, lewd, vulgar, or abusive
4. Obstructing vehicular or pedestrian traffic
5. Engaging in any willful act which disrupts the normal operation of the school community
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building
7. 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. This list is not meant to be all-inclusive
8. Vandalizing school property
9. Pulling a fire alarm, discharging a fire extinguisher, making a bomb threat or calling 911 without cause

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

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

**C. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:**

1. Committing an act of violence (such as hitting, kicking, punching, biting, shoving, throwing object(s), and scratching) upon a student, teacher, administrator, school employee, visitor or attempting to do so.
2. Possessing/displaying a weapon or what appears to be a weapon and/or threatening to use any weapon in or on school property or at a school function. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Intentionally damaging or destroying school district or personal property of a student, teacher, administrator, other district employee or any person on school property, including graffiti or arson.
4. Threatening a student, teacher, administrator, school employee, or visitor.

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

3. Violations of the DASA Act
4. Lying to school personnel
5. Stealing the property of other students, school personnel, or any other person lawfully on school property or attending a school function
6. Selling, using or possessing obscene material
7. Using inappropriate gestures, vulgar or abusive language, cursing or swearing
6. Use or possession of tobacco or tobacco substitute (which includes but is not limited to electronic smoking devices, nicotine patches, nicotine gum
7. Possessing, consuming, reasonable suspicion of being under the influence of drugs or alcohol, selling, offering, manufacturing, distributing or exchanging alcoholic beverages, or illegal substances or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, PEDS (performance enhancing drugs), and any synthetic version thereof, whether specifically illegal or not, commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption
8. Possessing, selling, distributing or exchanging drug or alcohol paraphernalia
9. Inappropriately possessing, using, distributing, or sharing prescription, controlled, and/or over-the-counter drugs, vitamins, supplements, herbs, or other similar substances
10. Gambling
11. Indecent exposure
12. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher
13. Fraternization with any staff member

**E. Engage in misconduct while on a school bus.**

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

**F. Engage in any form of academic misconduct.** Examples of academic misconduct include: plagiarism, cheating, copying, altering records, and assisting another student in misuse of computers or any of the other actions. Academic penalty may also result in loss of credit for the academic assignment in question.

**G. Engage in Use of Electronic Communication Devices (ECD)**

1. The District supports the use of technology as an effective resource in an educational setting. In our ever-evolving world of technology, electronic cellular devices (ECDs) have the potential to facilitate and enhance student learning, and the District strives to take a realistic stance regarding the use of ECDs and their role in the students' daily life. However, student use of ECDs during the school day should be academically focused, and must not be a distraction. If a student utilizes an electronic cellular device during the school day in a manner that detracts from his or her own educational opportunities and/or the educational opportunities of his or her peers, that particular incident will be addressed on an individual basis. Students will be subject to discipline engendering a progression of consequences as set forth in the Consequences of Behaviors Chart.
2. It is recommended that all ECDs be left at home. Students making the choice to bring them to school do so at their own risk. The school is not responsible for lost or stolen ECDs.
3. Parents who must communicate with their children between the hours of 7:50am and 2:29pm should contact the Middle/High School Office at 326-2151.

#### **H. Cafeteria**

All pupils whether they bring their lunch or plan to buy it, must eat in the cafeteria unless excused with a pass. Students are expected to demonstrate appropriate behaviors and manners at all times.

#### **I. Vehicle Violations**

All state laws and regulations pertaining to school property shall be observed by drivers. Students must register their vehicle with the school and park in authorized areas. It is unlawful for a driver to pass a stopped school bus when the red bus signal is in operation.

#### **J. Health Services**

Students who become ill must report to the nurse. If the nurse is not in, students are to report to the main office. Students may not leave the building without authorization.

#### **K. Illegal Entry**

Entry to school property that has not been authorized.

#### **L. Truancy**

Absence from School, classes and other assignments without sufficient reason.

#### **M. Illegal Absence**

Absences from school with the knowledge and consent, stated or implied, of his/her parents for other than legal reasons. Examples of illegal absences include but are not limited to: visiting, away, vacation, shopping, needed at home, caring for baby, work, no shoes, overslept, etc.

#### **N. Assisting another student in any of the above actions.**

### **VIII. Reporting Violations**

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, Dean of Students, Principal or Superintendent. **Anyone** observing a person possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately.

Any weapon, alcohol or illegal substance found shall be confiscated immediately. Appropriate personnel will notify the parent/guardian of the student involved and the appropriate disciplinary sanction will be administered, which may include permanent suspension and referral for prosecution.

All District staff are expected to report violations of the Code of Conduct, which they are unable to resolve, to their supervisor. Supervisors shall in turn impose an appropriate disciplinary sanction, if so authorized.

The Principal or his or her designee must notify the appropriate local law enforcement agency and the parent or guardian of those Code violations that constitute a crime and substantially affect the order of security of a school as soon as possible. In no event, should this report be submitted any later than the close of business the day the Principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

All students and district staff are expected to promptly report any discrimination, harassment and/or bullying situation to the Dignity Act Coordinator of that school. The Dignity Act Coordinator will collect and record all incidents of discrimination, harassment and bullying. This reporting mechanism may help form the basis for collecting data that can be useful in assessing school climate.

## **IX. Disciplinary Penalties, Procedures and Referrals**

### **A. Disciplinary Action**

Disciplinary action, when necessary will be firm, fair and consistent so as to be the most effective in changing student behavior. The principal or his/her designee is to sign all forms of disciplinary action. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- a. The student's age
- b. The nature of the offense and the circumstances which led to the offense
- c. The student's prior disciplinary record
- d. The effectiveness of other forms of discipline
- e. Information from parents, teacher, and /or others, as appropriate
- f. Other extenuating circumstances

As a general rule, discipline at Westfield will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. However, there may be situations to immediately invoke a higher level disciplinary action due to the nature and/or degree of the inappropriate behavior.

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. 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.

### **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.

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

#### **1. Detention.**

Teachers, Principals, and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. A note is sent to parents notifying them of the detention.

#### **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 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, extra-curricular activities and other privileges.***

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law #3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informational 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." The in-school suspension teacher will be a certified teacher.

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

**5. *Teacher disciplinary removal of disruptive students.***

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using 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 (1) short-term or remainder of class time removal to an administrator's office; (2) sending a student to the hallway briefly; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this Code 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 education 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 one day**. The removal from class applies to the class of the removing teacher only. An informal consultation between the student and either the Principal or teacher will be held prior to the next scheduled class.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the student does not warrant immediate removal because behavior is now in control. After the informal discussion the teacher may 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 district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. 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 and 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 consent of the parent and the Principal.

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

- a. The charges against the student are not supported by substantial evidence
- b. The student's removal is otherwise in violation of law, including the district's code of conduct.
- c. The conduct warrants suspension from school pursuant to Education Law #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 24 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the 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 teacher shall be offered continued educational programming and activities until permitted to return.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class



until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

**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. Re-admission to school after a suspension period may require a conference among student, parent, and Principal. During a suspension, a student is under parental supervision and shall not participate in or attend any school activities.

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

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

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

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

When the Superintendent or Principal proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law #3412 (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 informal conference, the student and/or parent or person in parental relation, will have the opportunity to present the student's version of the events and to ask questions of complaining witnesses.

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 decision 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 reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student has protected due process rights such as 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 proceedings 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 in 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 the penalty, the Superintendent may consider the following:

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

A student with a disability may be suspended only in accordance with the requirement 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 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. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law #3214(3-a) and this code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the students and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**D. Referrals**

**1. *Counseling***

The Guidance Office shall handle all referrals of students to counseling.

**2. *PINS Petitions***

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses illegal substances in violation of Penal Law #221.05. A single violation of #221.05 will be a sufficient basis for filing a PINS petition.

**3. *Juvenile Delinquents and Juvenile Offender***

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 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.

**X. 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.

## **XI. Discipline of Students with Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

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

1. For purposes of this section of the code of conduct, the following definitions apply.
  - a. A “suspension” means a suspension pursuant to Education Law #3214
  - b. A “removal” means a removal for disciplinary reasons from the students current educational placement other than a suspension and change in placement to an interim alternative education setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - c. An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the students to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability for his or her current educational placement as follows:
  - a. The Board, the district (BOCES) Superintendent of schools or the Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a

student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- i. “Weapon” means the same as “dangerous weapon” under 18 U.S.C. #930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury.
  - ii. “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state laws and regulations applicable to this policy.
  - iii. “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### **B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district’s Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, possession, transport or use of illegal drugs or controlled substances.

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

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

- b. A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

- c. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
  - d. If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.
  - e. The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others. The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state laws and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
- a. The Superintendent, building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - i. Conducted an individual evaluation and determined that the student is not a student with a disability, or
  - ii. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

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

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

#### **D. Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
  - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of severity, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
  - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

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

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

1. The district may report a crime committed by a child with a disability to appropriate authorities and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

## **XII. Corporal Punishment**

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

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

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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



### **XIII. Student Searches and Questioning of Students**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials.

In addition, the Board authorizes the Superintendent, Principal or his/her designee, and the school nurse (upon direction from the Superintendent or Principal) to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

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

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

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

#### **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, vehicles parked on school property and other school storage areas. 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, vehicles parked on school property and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

#### **B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about the search:

1. Name, age, and grade of the student searched
2. Reasons for the search
3. Name of an informant(s)
4. Purpose of search (that is, what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his/her title and position
7. Witnesses, if any, to the search
8. Time and location of the search
9. Results of the search (that is, what items were found)
10. Disposition of items found
11. Time, manner, and results of parental notification

The principal or designee shall be responsible for the custody, control and disposition of any illegal or dangerous items taken from a student. The principal or designee shall clearly label each item taken from the

student and retain control of the item(s), until the items are turned over to the police. The principal or designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

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

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

1. A search or an arrest warrant.
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 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 will also be present during any police questioning or search of a student on school property or school function.

#### **D. Child Protective Services Investigations**

It is 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, where appropriate, cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to the Principal or designee. The Principal or 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 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 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 is 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.

### **XIV. 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 staff. Since schools are a place of work and learning, 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. All visitors must present a valid photo I.D. upon entry.
2. Anyone who is not a regular staff member or student of the school will be considered a visitor.
3. All visitors to the school must report to the reception area upon arrival. 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 on school grounds. The visitor must return the identification badge to the reception area before leaving the building.
4. Visitors attending school functions that are open to the public are not required to register.
5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s).
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. 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.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.
9. No student is to bring a friend to school unless authorized by the administration.

## **XV. 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 wear proper attire for the purpose they are on school property.

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Injure any person or threaten to do so.
2. Damage or destroy school district property or the personal property of a student, teacher, administrator, district employee or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person based upon, but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.

10. Possess, use, sell, or distribute or alcohol, tobacco, drugs, or weapons in or on school property or at a school function except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identified school officials on duty.
14. Incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

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

1. **Visitors.** Shall be subject to immediate ejection and as the facts may warrant, precluded from being on school district property. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the determination.
2. **Students.** They shall be subject to disciplinary action as the fact may warrant, in accordance with the due process requirements.
3. **Tenured faculty members.** They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law #3020-a or any other legal rights that they may have.
4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law #75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law #75 or any other legal rights that they may have
5. **Staff members other than those described in subdivisions 3 and 4.** They shall be subject to warning, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The Principal or his or her designee shall be responsible for enforcing the conduct required by this Code. When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his/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, 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, in accordance 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.

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website.

# **XVI. Dissemination and Review**

## **Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of conduct when they are first hired.
5. Making complete copies of the Code 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 Board may appoint an Advisory Committee to assist in reviewing the Code and the district's response to Code of conduct violations. The Committee will be made up of representatives of student, teacher, administrator, parent 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.

## **Student Use of Computerized Information Resources Program Implementation**

The School District recognizes that effective use of technology is important to our students and will be essential to them as adults. Consequently, the School System will provide access to various computerized information resources through the District's Computer System (DCS) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so called "on-line services" and "Internet." The District shall provide personnel support for such usage.

The DCS is for educational and/or research use only and must be consistent with the goals and purposes of the School District. The standards of acceptable use as well as prohibited conduct by students accessing the DCS, as outlined in District policy and regulation, are not intended to be all-inclusive. Students are responsible for good behavior on school computer networks just as they are in a classroom or a school hallway. In addition to the specific standards of student conduct delineated in this regulation, the general requirements of acceptable student behavior expected under the District's school conduct and discipline policy and the Student Discipline Code of Conduct also apply to student access to the DCS. Communications on the network are often public in nature. General school rules for behavior and communications apply.

Legal and ethical implications of software use will be taught to students of all levels where there is such software use. In addition, the building principal or his/her designee and/or classroom teacher will be responsible for informing District students of rules and regulations governing student access to the DCS.

In order to match electronic resources as closely as possible to the approved District curriculum, District personnel will review and evaluate resources in order to offer “home pages” and menus of materials which comply with Board guidelines governing the selection of instructional materials. In this manner, staff will provide developmentally appropriate guides to students as they make use of telecommunications and electronic information resources to conduct research and other studies related to the District curriculum. As much as possible, access to the District’s computerized information resources will be designed in ways which point students to those which have been reviewed and evaluated prior to use. While students may be able to move beyond those resources to others which have not been evaluated by staff, students shall be provided with guidelines and lists of resources particularly suited to the learning objectives.

During school, teachers will guide students toward appropriate materials. Outside of school, parents/ guardians bear responsibility for such guidance as they do with information sources such as television, telephones, movies, radio and other potentially offensive/controversial media.

Use of the DCS which violates any aspect of School District policy; the Student Discipline Code of Conduct; and federal, state or local laws or regulations is strictly prohibited and may result in disciplinary action.

#### **A. Standards of Conduct Governing Student Access to the DCS**

Inappropriate use of the DCS may result in disciplinary action, including suspension or cancellation of access. Prior to suspension or revocation of access to the DCS, students will be afforded applicable due process rights. Each student who is granted access will be responsible for that usage. The DCS is provided for students in support of their educational program and to conduct research and communicate with others. Student access to external computer networks not controlled by the District is provided to students who act in a considerate and responsible manner. Individual users of the District’s computerized information resources are responsible for their behavior and communications over the District computer network. It is presumed that users will comply with District standards and will honor the agreements they have signed.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered School District property and subject to control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of District policy and regulations regarding student access to the DCS. Students should NOT expect that information stored on the DCS will be private.

In compliance with applicable District guidelines and/or federal, state and local law including, but not limited to, suspension and/or revocation of access to the DCS. In addition to the District’s general requirements governing student behavior, the following specific activities shall be prohibited by student users of the DCS.

1. Using the DCS to obtain, view, download, send, print, display or otherwise gain access to or to transmit materials that are unlawful, obscene, pornographic or abusive.
2. Use of obscene or vulgar language.
3. Harassing, insulting or attacking others.
4. Damaging, disabling or otherwise interfering with the operation of computers, computer systems, software or related equipment through physical action or by electronic means.
5. Using unauthorized software on the DCS.
6. Changing, copying, renaming, deleting, reading or otherwise accessing files or software not created by the student without express permission from the computer coordinator.
7. Violating copyright law.
8. Employing the DCS for commercial purposes, product advertisement or political lobbying.
9. Disclosing an individual password to others or using others’ passwords.

10. Transmitting material, information or software in violation of any District policy or regulation, the school behavior code, and/or federal, state and local law or regulation.
11. Revealing personal information about oneself or of other students including, but not limited to, disclosure of home address and/or telephone number.

Network accounts are to be used only by the authorized owner of the account. Any user of the DCS that accesses another network or computer resources shall be subject to that network's acceptable use policy.

If a student or a student's parent/guardian has a District network account, a non-district network account or any other account or program which will enable direct or indirect access to a District computer, any access to the DCS in violation of District policy and/or regulation may result in student discipline. Indirect access to a District computer shall mean using a non-district computer in a manner which results in the user gaining access to a District computer, including access to any and all information, records or other material contained or stored in a District computer.

## **B. Sanctions**

1. Violations may result in suspension and/or revocation of student access to the DCS as determined in accordance with appropriate due process procedures.
2. Additional disciplinary action may be determined at the building level in accordance with existing practices and procedures regarding inappropriate language or behavior, as well as federal, state and local law.
3. When applicable, law enforcement agencies may be involved.

## **C. Security**

Security on any computer system is a high priority, especially when the system involves many users. Users of the DCS identifying a security problem on the District's system must notify the teacher in charge. A student is not to demonstrate the problem to other users. Attempts to log on to the DCS as a computer coordinator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the DCS. Further, any violations regarding the use and application of the DCS shall be reported by the student to the teacher in charge.

## **SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

### **Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.



Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

### **Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should not expect that information stored on the DCS will be private.

### **Notification**

The District's Acceptable Use Policy and Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

# **Westfield Academy and Central School Comprehensive Student Attendance Policy**

### **Statement of Overall Objectives**

Westfield Academy believes that student participation in classroom instruction is an integral part of the learning process. Therefore, to receive credit for courses, students must not only fulfill the necessary academic requirements for each course, but also must comply with the District Comprehensive Attendance Policy.

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that consistent school attendance, academic success and school completion have a positive correlation, the School District will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:



1. To increase school completion for all students
2. To raise student achievement and close gaps in student performance
3. To identify attendance patterns in order to design attendance improvement efforts
4. To know the whereabouts of every student for safety and other reasons
5. To verify that individual students are complying with education laws relating to compulsory attendance
6. To determine the District's average daily attendance for State aid purposes

**The School District will:**

1. Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
2. Develop a Comprehensive Student Attendance Policy based upon the recommendations of the District's Shared Decision-Making Teams that include representation from administrators, teachers, students, parents, and the community. The District will hold at least one public hearing prior to the adoption of this collaboratively developed Comprehensive Student Attendance Policy by the Board of Education.
3. Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness, or early departure of each student.
4. Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
5. Develop early intervention strategies to improve school attendance for all students.
6. Promote a good work ethic for all students.

**Student Attendance Record Keeping/Data Collection**

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. An absence, tardiness, or early departure will be entered as "excused" or "unexcused" along with the District code for the reason.

*Attendance shall be taken and recorded in accordance with the following:*

1. For students in non-departmentalized kindergarten through grade five (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day.
2. For students in grades six through twelve, each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction. Attendance shall be taken in accordance with paragraph above.
3. Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

*Excused absences will be granted for the following reasons:*

- a) Personal illness or injury
- b) Death in family
- c) Emergency illness in the family
- d) Medical appointments
- e) Dental appointments
- f) Impassable roads/sudden severe weather conditions
- g) Religious observance
- h) Required court appearance
- i) Quarantine
- j) Music lessons
- k) Attendance at health clinics

- l) Approved college visits
- m) Military obligations
- n) Other emergency situations - covers unexpected events which keep a student from attendance. Such cases will be considered individually by the principal.

4. In the event that a student at any instructional level from kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

A record shall be kept of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education.

Attendance records shall also indicate the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a).

At the conclusion of each class period or school day, all attendance information shall be compiled and provided to the designated school personnel who are responsible for attendance. The nature of the absence, tardiness, or early departure shall be coded on a student's record in accordance with the established District/ building procedures.

#### **Notice of Students who are Absent, Tardy or Depart Early without Proper Excuse**

A designated staff member shall notify by telephone the parent/person in parental relation to a student who is absent, tardy or departs early without proper written excuse. The staff member shall explain the District's Comprehensive Student Attendance Policy, the District's/building level intervention procedures, and, if appropriate, the relationship between student attendance and course credit. If the parent/person in parental relation cannot be reached by telephone, the staff member will provide such notification by mail. Further, the District's Attendance Policy will be mailed to the parent/ person in parental relation to promote awareness and help ensure compliance with the policy. If deemed necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent/person in parental relation and appropriate staff members to address the student's attendance. The student may also be requested to attend this conference to address appropriate intervention strategies that best meet the needs of the student.

#### **Disciplinary Consequences**

Unexcused absences, tardiness and early departures will result in disciplinary sanctions as described in the District's Code of Conduct. Consequences may include, but are not limited to, detention, in-school suspension, and denial of participation in interscholastic and extracurricular activities. Parents/persons in parental relation will be notified by the Principals at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions. Individual buildings/grade levels will address procedures to implement the notification process to the parent/person in parental relation.

#### **Intervention Strategy Process**

To effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, designated District personnel will pursue the following:

1. Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures)
2. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted
3. Discuss strategies to directly intervene with specific element

4. Recommend intervention to Superintendent or his/her designee if it relates to change in District policy or procedure
5. Implement changes, as approved by appropriate administration
6. Utilize appropriate District and/or community resources to address and help remediate student unexcused absences, tardiness or early departures
7. Monitor and report short and long term effects of intervention

### **Appeal Process**

A parent/person in parental relation may request a building level review of their child's attendance record.

### **Building Review of Attendance Records**

The building principal will work in conjunction with the building attendance clerk and other designated staff in reviewing attendance records at the end of each quarter. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

### **Annual Review by the Board of Education**

The Board of Education shall annually review the District's student attendance records and if such records show a decline in student attendance, the Board shall make any revisions to the Policy and plan deemed necessary to improve student attendance.

### **Community Awareness**

The Board of Education shall promote necessary community awareness of the District's Comprehensive Student Attendance Policy by:

1. Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents/persons in parental relation;
2. Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
3. Providing copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205,  
3206, 3210, 3211, and 3213  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 104.1, 109.2 and 175.6

## **WACS School Song**

"So Sing in exaltation,  
Loudly and Clear  
Classmates and comrades come from far and near,  
rah rah rah.  
When we get together, join every hand  
Cheer for Westfield High School  
The Best in the Land... WESTFIELD!"  
Go Westfield Wolverines!!!

**Westfield Academy and Central School- Board of Education**

**Belief Statements**

**Honesty & Integrity**

We believe that students learn Honesty and integrity by seeing it modeled By their classmates, teachers, parents and community members. We will expect and value individual responsibility for class preparedness, homework and class participation.

**Responsible Citizenship**

We believe that students learn the Rewards of responsible citizenship by having Their opinions recognized and valued by one another, their teachers and community members. We will provide opportunities to Practice citizenship in preparation for life beyond school in an ever changing world.

**Respect**

We believe that students have the right to learn and teachers to teach in a safe supportive environment. We will value the unique contributions and qualities of each member of the school and community, recognizing that diversity enriches our lives.

**Excellence**

We believe that students challenged with high standards will deliver high performance. We will provide a range of challenging and diversified educational opportunities, encouraging every student to use his/her abilities and talents to the fullest.

**Discipline**

We believe that students given academic and personal freedoms must learn The responsibilities associated with such freedoms. Administrators, teachers and parents will cooperate in applying fair and consistent discipline guidelines, helping students to learn accountability for their actions as family, school and community members.

## **Title IX Notification**

The Westfield Central School District in compliance with Title IX of the Educational amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA) hereby designates, Superintendent and School Business Official, as the Title IX/Section 504/ADA Coordinators for the Westfield Central School District. The Coordinator is responsible for resolving complaints and discrimination based on sex or disability. He/She is also responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status or marital status.

The Superintendent or School Business Official can be reached at Westfield Central School, 203 East Main St. Westfield, NY 14787 or by calling 326-2151.

## **Dignity for All Students Act**

Chapter 482 of the laws of 2010 added a new article to the Education law that prohibits discrimination against and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property or at a school function. If you feel your child has been the victim of discrimination, please report it to the DASA Coordinator: Deanne Shelters and Heath Forster for the elementary building or Amy Brinkley for the middle school/high school building.

## **Children with Special Needs**

Students may be referred by parents and evaluated through the Committee on Special education when a parent or a person in a parental relationship to a student believes that their child may have a disability which impacts their ability to access the school's curriculum. You may find further information on the New York State education department website at NYSED.gov entitled *A Parent's Guide to Special education*. You may also contact the Director of Special Education, Dr. Rockey at 326-2151.

## **Civil Rights Compliance Officers**

The Westfield Academy and Central School District advises students, parents, employees and the general public that it offers employment and educational opportunities, including vocational education opportunities, without regard to sex, race, color, national origin or handicap. Complaint and grievance procedures are available to interested persons by contacting the person(s) listed below. Inquiries regarding this nondiscrimination policy may be directed to Title IX Compliance Officer and Section 504/ADA Compliance Officer.

Westfield Compliance Officers:

Superintendent and School Business Official

Westfield Academy and CSD      716-326-2151 ext 217

## **Release of Student Information to Military Recruiters**

Pursuant to the federal No Child Left Behind Act, Westfield Academy and Central School District must disclose to military recruiters and institutions of higher learning, upon request, the names, addresses and telephone numbers of our high school juniors and seniors. However, parents or students may request in writing, that the district not release such information. Parents, or students who are at least 18 years old, wishing to exercise their option to withhold their consent to the release of this information must contact the high school principal's office by October 1<sup>st</sup> of any given year.