

# **CODE OF CONDUCT**

**TONAWANDA CITY SCHOOL DISTRICT  
AS ADOPTED BY THE BOARD OF  
EDUCATION**

**100 Hinds Street  
TONAWANDA, NEW YORK 14150**

## CODE OF CONDUCT

### COMMITTEE MEMBERS (present for the August 5, 2020 meeting)

<b>MEMBER</b>	<b><i>POSITION</i></b>
Colleen Andres	High School Teacher
Jason Balling	School Resource Officer/Parent
Michael Brown	High School Principal
Tammy Charrois	Middle School Clerk/Typist/Parent
Kyla Chirayath	Student
Amy Edgerton	Director of Pupil Personnel Services
Anne Haentges	Middle School Teacher
Maggie Heeter	High School Counselor
Sarah Infante	High School Assistant Principal
Benjamin Morton	Athletic Director/Middle School Dean of Students
Diana Nigro	Principal Mullen Elementary
Carrie Oliver	Elementary Teacher/Parent
Mary Beth Scullion	Assistant Superintendent of Curriculum and Instruction
David Sellan	Middle School Principal
Debra Shaffer	High School teacher

**BOE Meeting: August 25, 2020**

**Date of Adoption: August 25, 2020**

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# INTRODUCTION

## Dignity for All Students Act (DASA)

The Tonawanda Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving these goals.

The District expectations for conduct on school property and at school functions are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. This Code also includes language regarding policy and practice in accordance with the Dignity for All Students Act. This ensures that no student is subject to bullying, cyber bullying, harassment, and/or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender and gender nonconforming (GNC), or sex by school employees, visitors, or students whether on school property, on a school bus, or at a school function. Additionally, these Code requirements apply to off-campus behavior that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threat, or intimidation or abuse might reach school property.

The Board recognizes the need to:

- Clearly define acceptable conduct;
- Provide proper training in the areas of civility, citizenship, and character education
- Identify the possible consequences of unacceptable conduct and,
- Ensure that discipline is administered promptly and fairly.

To this end, the Board of Education adopts this Code of Conduct.

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

**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.

**"Detention"** Teachers, principals and the superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. *A 24-hour notice will be given as an option for students so that they may inform parents.*

**"Harassment"** means (1) the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyber bullying, 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 (2) 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; or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, or intimidation or abuse might reach school property. Such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation, cyber bullying, 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 Section 11[7]).

**"Bullying"** (Olweus) means "a person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself".

**"School Bus"** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1], Vehicle and Traffic Law Section 142).

**"Suspension from Transportation"** Students who become a disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance for special education students, the District will make appropriate arrangements to provide for the student's education. (Background Education Law 3214)

**"In-school Suspension"** means a full day assignment for a student in a designated in-school area to continue educational programming.

**"Long-Term Suspension"** means a suspension out of school for more than five (5) consecutive days.

**"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 or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.

**"School function"** means any school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country (Education Law Section 11[2]).

**"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 Section 11[4] and Executive Law Section 292[21]).

**"Employee"** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9 B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of

services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Sections 11[4] and 1125[3]).

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

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

**“Transgender”** describes a person whose gender identity does not correspond to their assigned sex at birth.

**“Gender nonconforming (GNC)”** describes people whose gender expression differs from stereotypic expectations. GNC individuals may identify as male, female, some combination of both or neither.

**“Short-Term Suspension”** means a suspension out of school for five (5) consecutive days or less. **“Vandalism”** is an act of willfully or maliciously destroying or defacing school property or the property of an individual(s).

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

- Commits an act of violence upon a school employee, or attempts to do so.
- 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.
- Possesses, while on school property or at a school function, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
- Displays, while on school property or at a school function, what appears to be a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
- Threatens, while on school property or at a school function, to use any instrument that appears capable of causing physical injury or death.
- 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.
- Knowingly and intentionally damages or destroys School District property.

**“Visitor”** means anyone who is not a regular staff member or student of the Tonawanda City School District.

**“Weapon”** means a firearm as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. It also means any other device, instrument, material or a substance that can cause physical injury or death. For purposes of this definition, such physical injury or death need not have taken place in order for something to be considered a weapon.

**“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: “Asian, Black (not Hispanic), Hawaiian/Pacific Islander, White (not Hispanic), American Indian/Alaskan Native, Multiracial” to describe and classify the inhabitants of the United States.

**“Color”** the term refers to 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")

## **ESSENTIAL PARTNERS AND ROLES:**

### ***ALL PARTNERS ARE RESPONSIBLE FOR THE FOLLOWING:***

- Recognize that the education of students is a joint responsibility of the parent(s)/guardian(s) and the school community.
- Know the school rules and help all parties to be clear on the meaning of these rules.
- Convey to students a supportive attitude towards education and the District.
- Constantly work at communication to and from schools, home and central office.
- Help students deal effectively with peer pressure, emerging personal social and emotional problems.
- Teach and model for student(s) respect for oneself, others, the school system and respect for authority.
- Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- Set a good example for others by demonstrating dependability, integrity and other standards of ethical conduct.
- Assist in promoting a safe, orderly and stimulating school environment.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or brought to the individual's attention to a teacher, a building administrator, or the Dignity Act Coordinator (DAC) in a timely manner.

### ***Parent(s)*** - All parents are expected to:

- Send child(ren) to school ready to participate and learn.
- Ensure that child(ren) attend school/learning regularly and on time.
- Ensure absences are excused.
- Insist child(ren) be dressed and groomed in a manner consistent with the student dress code.
- Help child(ren) understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Develop working relationships with teachers.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Teach child(ren) respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
- Report incidents of bullying, cyber bullying harassment, and/or discrimination that are witnessed or otherwise brought to a parent's attention to a building administrator or the Dignity Act Coordinator (DAC) in a timely manner.

### ***Teachers*** - All district teachers are expected to:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.

- Communicate to students and parents:
  - Course objectives and requirements.
  - Marking/grading procedures.
  - Assignment deadlines.
  - Expectations for students.
  - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

***School Counselors*** - All district school counselors are expected to:

- Initiate and appropriate document teacher/student/counselor conference and parent/teacher/student counselor conferences, as necessary, as a way to resolve problems.
- Regularly review with the all students their educational progress, career plans and graduation requirements.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extracurricular programs.
- Coordinate Intervention Support Services, as needed, with students, parents, building principals and teachers.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to the school counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

***Student Support Service Personnel***- Provide educationally related services to students including assistants, social workers, psychologists, speech pathologists, physical and occupational therapists, CDOS Coordinator as well as classroom aides and other health-related personnel. Their responsibility is to:

- Support educational and academic goals.
- Initiate teacher/student/support staff conferences and parent/teacher/student/support staff conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs.
- Regularly review with students their educational progress and career plan.
- Provide information to assist students with career planning.
- Encourage students to benefit from the curriculum and extra-curricular programs.
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Other School Staff-** Perform non-instructional duties that support the academic and operational functioning of the school. They are expected to:

- Abide by all expectations listed for “all partners.”

**Dignity Act Coordinators** - All Dignity Act Coordinators (at least one per school building) are expected to:

- Serve as the lead person responsible for facilitating implementation of the Dignity Act.
- Participate in required training in order to respond to human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, sex and gender discrimination, harassment, bullying, and cyber bullying.
- Be accessible to students, staff, and parents for consultation and guidance as needed relative to the implementation of the Dignity Act.
- Accept reports regarding alleged violations of the Dignity Act and conduct investigations as appropriate.
- Lead by example by conducting themselves in a professional, respectful, courteous manner that fosters civility, kindness, and acceptance towards all people.
- Model behavior that is free from bullying, cyber bullying, harassment, and/or discrimination
- The following individuals have been appointed as Dignity for All Students Act (DASA) Coordinators

**Building Principals**

**Middle/High School Assistant Principal**

**Mary Beth Scullion** - District

**Julie Russo** – Fletcher Elementary

**Marie Burger** – Riverview and Mullen Elementary

**Principals** - All district principals are expected to:

- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
- Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- Each building principal or his/her designee shall be responsible for informing all students, staff and parents/guardians of the code of conduct at the beginning of the school year and any revisions to the code made during the school year.
- Exploring and implementing positive behavior programs appropriate at each age level as described in Response to Intervention programs. (For example, Olweus, Warrior Way Program, Safe and Civil Schools, within a pyramid of interventions)
- Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Follow up on any incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC). Notify School Resource officer or other Police officials if he/she believe any law may have been violated.

**Superintendent** (with the support of all central office/district level administration) - The superintendent is expected to:

- Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, bullying, cyber bullying, harassment, and/or discrimination by supporting active teaching and learning.
- Review with district administrators the policies of the Board of Education, state and federal laws relating to school operations and management.

- Inform the school board about educational trends, including student discipline.
- Work to create instructional programs and school environments that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Address all areas of school-related safety concerns.
- Refer any incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or otherwise brought to the superintendent's attention to the appropriate building administrator and/or Dignity Act Coordinator (DAC) in a timely manner. Notify School Resource officer or other Police officials if a law may have been violated.

***School Resource Officer*** - The school resource officer is expected to:

- Develop a constructive and well-conceived partnership with the students, staff, parents and community.
- Maximize the safety of the students and staff by acting as a resource to address safety and security issues.
- Help contribute to the safe school planning and offer the schools a resource to turn to if emergencies occur.
- Act as a liaison between the police department, school staff, students, and parents.
- Interview students who come forward as victims of criminal activity or have relevant information about criminal activity. This would only take place when requested by or after consulting with school administrators.
- Conduct investigations of any reported crimes in or upon school property with his/her jurisdiction.
- Assist in referring students identified by the collaborative efforts of school officials, parents and police to outside agencies.
- Coordinate and assist school counselors with truancy intervention programs and techniques.

The duties of the School Resource Officer are multi-faceted and may not be limited to the above listed functions. Additional resources may be provided at the request of the school administrators and agreed upon by the district and police department.

***Board of Education*** - The Board of Education is expected to:

- Collaborate with students, teachers, administrators and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Approve and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful and courteous manner.
- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed with respect to the Dignity Act.
- Report incidents of bullying, cyber bullying harassment, and/or discrimination that are witnessed or otherwise brought to a Board Member's attention to the appropriate building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## STUDENT RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility.

<i>It is the student's right</i>	<i>It is the student's responsibility</i>
To attend school in the district in which one's parent or legal guardian resides.	To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a quality education.
To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
To be respected as an individual.	To respect one another and to treat others in the manner that one would want to be treated.
To express one's opinions verbally or in writing.	To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
To dress in such a way as to express one's personality.	To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
To be afforded equal and appropriate educational opportunities.	To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.	To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students.	To be aware of the information and services available and to seek assistance in dealing with personal challenges, when appropriate.
To be protected from bullying, cyber bullying, intimidation, harassment, and/or intimidation, based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.	To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of bullying, cyber bullying, intimidation, harassment and/or discrimination.

## **INTENT AND CONTEXT OF DISCIPLINARY PROCESS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent to promote the most effective change in student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

- The student's age.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

## **BUILDING ENTRY**

Students/Visitors will enter through designated entrances at each building.

## **HEALTH AND SAFETY**

The District believes that precautions related to public health and safety as outlined in the NYSED, DOH and District planning documents are to be adhered to at all times.

## **STUDENT DRESS CODE**

The Board of Education believes that a respectful appearance is an asset to each child and seeks full parental support in the maintenance of our high standards of school dress. **School administration and staff reserve the right to determine if student dress is a safety hazard and/or interferes with the educational process.**

- Clothing, hairstyles, footwear and all jewelry/chains worn must be safe and not disrupt, offend or interfere with the educational program. Blankets may not be worn during school hours unless for a spirit day.
- Clothing must not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage illegal, violent or sexual activities.
- Skirts, dresses and shorts must be of an appropriate length.
- Coats and jackets (outerwear) must be stored while school is session.
- Hats, hoods, visors, non-functional headgear and sunglasses are not to be worn inside the school building except for a medical or religious purpose.
- Undergarments are not visible.
- See through garments and midriffs exposing belly buttons are not permitted.
- Purses, string bags, and book bags must be stored in classroom to not block aisles, entrances and exits.
- For physical education classes, students must remove all jewelry during contact sports. \*Contact sports will be defined by the Athletic Director.
- Students who violate the student dress code shall be required to modify their appearance by covering or removing the item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to disciplinary action in accordance with this Code.

## **PROHIBITED USE OF ELECTRONIC COMMUNICATION DEVICES WHILE ON SCHOOL PROPERTY**

Students are prohibited from using or having on or in an operational mode any mobile telephone, cellular telephone, camera phone, laser pointer/pen or any other type of electronic communication device during normal daily operation hours (the school day), except as expressly permitted in connection with a class assignment. While students are permitted to possess such devices during the school day, they are prohibited from using them in any educational environment which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyber bullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the particular circumstances. A staff member will take these items immediately upon discovery. Administrators may confiscate the device if it is seen, heard or the administrator has been advised or has knowledge that it has been used during the school day. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in this Code that may be applicable to the circumstances involved (See lists of Level 1 and Level 2 Offenses).

### **Grades 6-8**

- On the first offense, confiscation of device and a warning. Student may pick up device after school.
- On the second offense, confiscation of device and a 1-hour detention. *Parent/Guardian* must pick up the device after school.
- On the third offense, confiscation of device and a 2-hour detention. *Parent/Guardian* must pick up the device after school.
- On the fourth offense, confiscation of device and 1 day in school suspension. *Parent/Guardian* must pick up the device after school.
- On the fifth offense, confiscation of device and 2 days in school suspension. *Parent/Guardian* must pick up the device after school.

\* (*K-5 Principals will have discretion as to the type of discipline imposed for cell phone violations*)

Failure to comply with the consequences listed above may be construed as insubordination. In addition, usage of any electronic devices while in the locker rooms during after school activities is strictly prohibited. The individual coaches or club advisors will monitor to ensure observance.

### ***Cell Phones/Electronic Music Devices (Grades 9-12)***

At the High School Level students may be permitted to use personal cell phones and/or music/listening devices in specific locations and situations. These include:

- Cafeteria
- Study hall
- Classrooms where permitted by the individual instructor. (Teacher classroom rules and expectations will be clearly posted and stated.)
- One ear bud/headphone on in hallways
- No Bluetooth speakers or outside amplification devices allowed on school property

If the student's use of these devices becomes disruptive in any way to the educational process or attempt to use a cell phone and/or music device in a classroom or location where it is not permissible the consequences are:

- On the first offense confiscation of device and a warning. Student may pick up device after school.

- On the second offense the student receives a one-hour detention with parental contact. The parent/guardian must pick up the device.
- On the third violation the student receives a two-hour detention with parental contact. The parent/guardian must pick up the device.
- On the fourth and subsequent violations progressive discipline will be imposed beginning with in-school suspension. Parent/guardian must pick up the confiscated device.

### ***In-school suspension (ISS) rule (Grades 6-12)***

- When a student is assigned or sent to ISS, he/she will surrender his/her electronic devices, this includes but not limited to cell phones, tablets, laptops, Chromebook, etc. and ear buds to the teacher/staff member in the room unless being used for instructional purposes. If the student does not comply then this is a violation of the code of conduct and progressive discipline will be imposed.

### **PROCESS: REPORTING VIOLATIONS**

- All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the Building principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Building principal, the principal's designee or the superintendent. Additionally, any student witnessing bullying, cyber bullying, harassment, and/or discrimination shall report such behavior to a teacher, a building administrator, and/or Dignity Act Coordinator immediately.
- All District staff members that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.
- Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.
- The building principal or his/her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

**All staff members must maintain confidentiality about all personal information and educational records concerning students and their families.**

### ***Consequences for misconduct***

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each penalty are authorized to impose that consequence, consistent with the student's right to due process. Imposed consequences for student misconduct are based on the age and maturity level of the student. In each situation, where appropriate, the superintendent or principal may appoint a designee.

<b>Consequence</b>	<b>Who can Administer/Deliver</b>
Oral warning	any member of the District staff and bus drivers
Written referral to administrator	bus drivers, hall and lunch monitors, coaches, school counselors, teachers
Written notification and/or phone call to parent	coaches, school counselors, teachers, administrator
Detention	teachers, administrator
Community service	administrator
Suspension from transportation	administrator
Suspension from athletic participation	coaches, athletic director, administrator
Suspension from social or extracurricular activities	club advisor of that activity, administrator
Suspension of other privileges	administrator
In-school suspension	administrator
Removal from classroom by teacher	teachers, principal/designee
Short-term (five days or less) suspension from school	principal, superintendent, Board of Education
Long-term (more than five days) suspension from	school – superintendent, Board of Education
Permanent suspension from school	superintendent, Board of Education
For any offenses in the LEVEL 3: SEVERE OFFENSES Code of Conduct	will result in an immediate five-day (5) suspension from school, contact with the authorities and a superintendent's Hearing.

## **PROHIBITED STUDENT CONDUCT AND RANGE OF CONSEQUENCES**

Note: Parents should review these responsibilities with their child to ensure a clear understanding of the rules and regulations governing appropriate school conduct. Once your child has a clear understanding of our Code of Conduct, a cooperative relationship between home and school can foster your child educational success at school.

Note: In compliance with the Uniform Violent and Disruptive Incident System, the District will record each violent or disruptive incident that occurs on school property or at a school function on the Violent and Disruptive Incident Report (VADIR) form. The District will submit an annual report of violent and disruptive incidents from the previous school year to the Commissioner of Education. The District will utilize the New York State Education Department's website to obtain copies of the forms, directions, glossary and additional information at [www.emsc.nysed.gov/irts/](http://www.emsc.nysed.gov/irts/). The following lists of offenses (particularly at Level 2 and Level 3) are in compliance with School Year Suspension Accountability Detail Report contained in the Student Information Repository System-Student Detail:

### **Level 1 Offenses include, but are not limited to:**

- **Disruptive Behavior and/or violation of classroom rules**  
Any act that interferes with the teaching/learning environment. (This includes the use of any electronic or musical device during the school day – See above section on Use of Electronic Devices While on School Property).
- **Illegal Absences**  
Truancy-absence from school and/or class without a legal reason.
- **Persistent Tardiness**  
Repeated instances of late arrival to school and/or class.
- **Forged Notes or Excuses**  
Signing a note or an excuse with a name other than your own with intention to deceive.
- **Inappropriate Show of Affection**  
Outward displays of affection that are inappropriate within the school.
- **Non-classroom disturbance** (bus, corridor, cafeteria, etc.)
- **Improper Dress**  
Any attire which is disruptive to the education process or poses a safety hazard.
- **Improper Items in School**  
Any item not necessary for student participation in school activities which may endanger the student or others or may disrupt the education process.
- **Swearing/Vulgarity**  
Swearing or abusive language and/or gestures.
- **Unsanitary Behavior**  
Behaviors that create unhealthy conditions in the school environment.

**Level 2 Offenses include, but are not limited to:**

- **Repeated Level 1 offenses**
- **Insubordination**  
Failure to comply with the reasonable request of an administrator, a teacher or other staff members. (This includes refusal to put away any form of electronic, musical device or other devices when asked by staff member.)
- **Minor Altercations**  
Involving physical contact (such as striking, shoving or kicking) and no physical injury. Fights that do not result in serious physical injury or physical injury are reported in this category per VADIR.
- **Intimidation, Menacing**  
Student is engaged in actions or activities that (including but not limited to): intentionally annoy, threaten, intentionally irritate, intentionally disturb, intentionally tease, worry others (peer or staff); also racial slurs, hate crimes, and hate speech.
- **Theft/Burglary/Larceny**  
Taking property of others without permission.
- **Use, possession, or sale/distribution of Tobacco/E-Cigarettes/Vaporizers or Non-Prescription nicotine delivery systems**  
Snuff/chewing or cigarette use at any time on school property or within the school drug free zone (defined as 1000 feet from school property) or at school-related activities.
- **Gambling**  
Any form of wagering on school property.
- **Cheating/Plagiarism**  
Copying of another student's work or using sources of information without documentation. (This includes any cheating that may take place with the use of any electronic or music device or cellular phone with text-messaging capabilities.)
- **Discrimination**  
Unwelcome misbehavior based on a person's actual or perceived race, age, sexual orientation; use of a recognized guide dog; hearing dog or service dog; color; creed; national origin; ethnic group; religion; religious practice; sex; sexual orientation; transgender and gender nonconforming (GNC); marital or veteran status; use of a recognized guide dog; hearing dog or service dog; or disability as a basis for treating another in a negative manner on school property or at a school function.
- **Harassment**  
The creation of a hostile environment by conduct or by verbal threats, intimidation, bullying or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, disability, sexual orientation, gender or sex.
- **Unauthorized and/or inappropriate use of school property**  
Examples include but are not limited to PA systems, computers, and athletic equipment
- **"Internet bullying"** (also referred to as "cyber bullying")  
Including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with or may reasonably be perceived to affect the operation of the school; or infringes upon the general health, safety and welfare of students or employees.

**Level 3 Severe Offenses include, but are not limited to:**

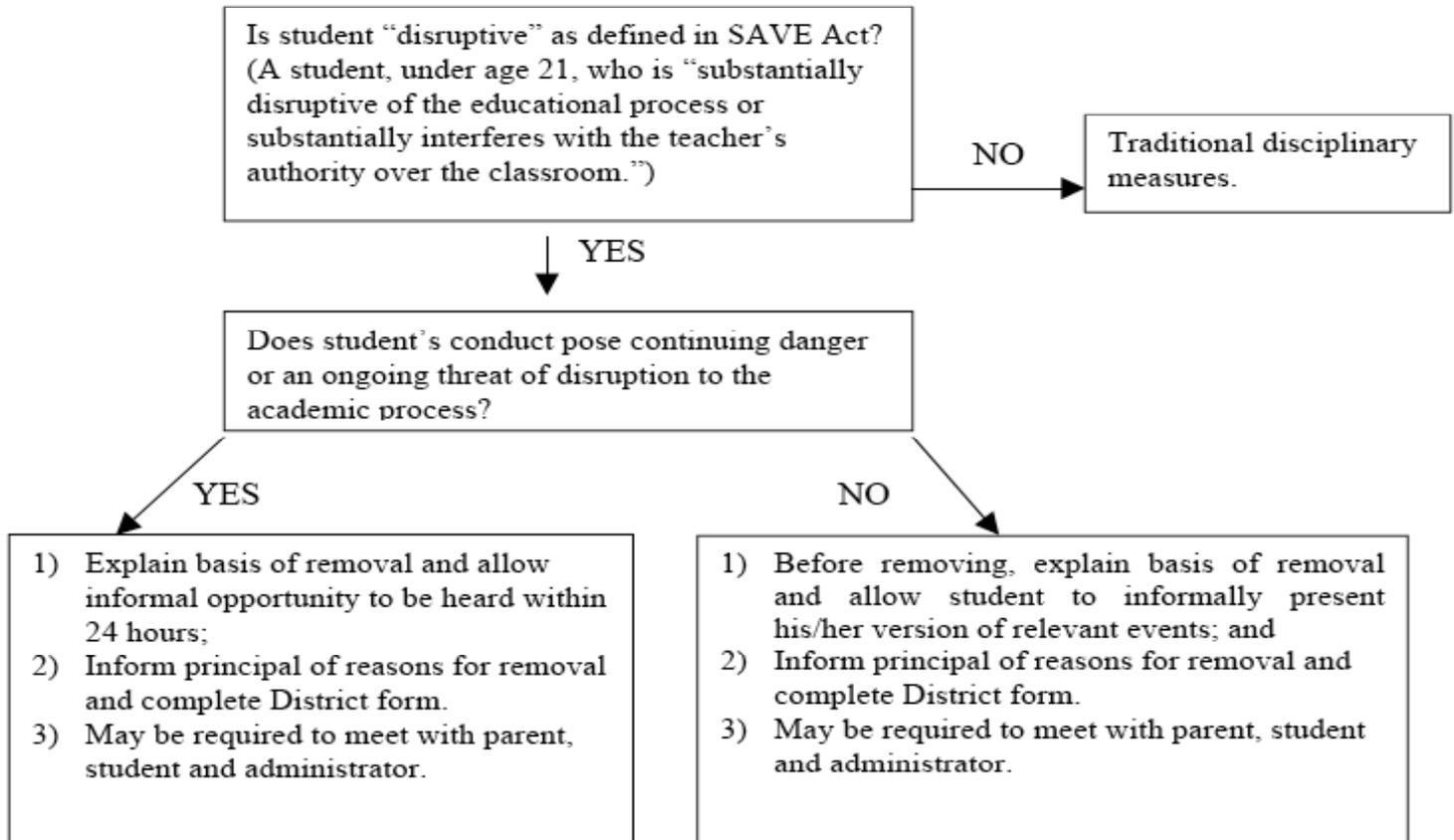
- **Repeated Level 2 Offenses**
- **Vandalism/Criminal Mischief**  
Serious incidents and/or repeated incidents of vandalism that result in malicious defacement or destruction of property.
- **Alcohol**  
Selling/Distribution, possession, use of, or under the influence of alcohol at any time on school property or at school-related activities.
- **Serious Altercations**  
Initiated assaults and/or serious physical altercations in school/on school property with another student(s) or any physical contact, direct or indirect, toward any school official or staff member. Additionally, those found to be recording and or distributing a recording a serious altercation (fight) will be subject to discipline.
- **Threat/Harassment** – engaging in, direct or indirect, threatening or harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student or staff member to fear for his or her physical well-being. (example: Video Recording)
- **Drugs**  
The selling/distribution, possession, use of, or being under the influence of any controlled/illegal substance or counterfeit and designer drugs, or paraphernalia for use or be under the influence or any misuse of a non-controlled substance on school property or at school related activities. This also includes synthetic cannabinoids. This is including and is not limited to products containing CBD or THC.
- **Arson**  
The deliberate starting of a fire in or on school grounds or any other form of School District property or at any School District event regardless of the location. Such term shall also include the possession of incendiary devices or fireworks.
- **Bomb Threat or False Alarm**  
Endangerment of others through verbal, written or electronic message of bomb threats or false alarms.
- **Security Breach**  
Entering or allowing others to enter through a locked door/window at any point during the school day.
- **Weapons**  
The possession of a weapon, device, instrument, material or substance that may and/or is designed to inflict physical harm with or without such harm being inflicted.

**For any offenses in the SEVERE OFFENSES Level 3 Code of Conduct will result in an immediate five-day (5) suspension from school, possible contact with police authorities and a possible Superintendent's Hearing.**

**Due Process**

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 consequence in connection with the imposition of the consequence. Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below. The following flow chart details the responsibilities of a teacher and Principal when a disruptive student is removed from the classroom.

## REMOVAL OF DISRUPTIVE STUDENT BY TEACHER



## PRINCIPAL'S RESPONSIBILITIES TRIGGERED BY STUDENT REMOVAL FROM CLASS BY A TEACHER

- 1) Within 24 hours of removal, **principal**/designee must inform parent of reasons for removal.
- 2) **On request**, student/parent must be given an opportunity to discuss reasons with principal.
- 3) If student denies the charges, student/parent must be given explanation of basis for removal and an opportunity to present his/her version. This must take place within 48 hours of removal.
- 4) Principal must decide, by the close of the business on the day following the opportunity for the informal hearing with the principal, whether the discipline will be overturned. Principal may only set aside discipline if:
  - a. The charges against the student are not supported by **substantial evidence**.
  - b. The student's removal is in violation of law.
  - c. The conduct warrants suspension and a suspension will be imposed.

## **PRINCIPAL'S RESPONSIBILITIES TRIGGERED BY STUDENT REMOVAL FROM CLASS BY A TEACHER**

### ***Suspension from School***

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

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

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

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

### **Short-term (5 school days or less) Suspension from School**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five school days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents/persons in parental relation.

The notice must provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/persons in parental relation 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 parents/persons in parental relation shall be permitted to present the student's version of the event and to ask questions of complaining witnesses under such procedures as the principal may establish.

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

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

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

#### Long-term (more than 5 school days) Suspension from School

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

The superintendent must personally hear and determine the proceeding or may, in his/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 precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

#### Permanent Suspension

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

### **Minimum Periods of Suspension**

- **Students who bring a firearm to school** - Any student, other than a student with a disability, found guilty of bringing a firearm onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:
  - The student's age.
  - The student's grade in school.
  - The student's prior disciplinary record.
  - The superintendent's belief that other forms of discipline may be more effective.
  - Input from parents, teachers and/or others.
  - Other extenuating circumstances.

- **Students who commit violent acts other than bringing a firearm to school** - Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a firearm onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all student's 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 student's subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm.
- **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 Section 321(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all student's 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 student's subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm.

## Referrals

- Counseling  
The School Counselor's Office shall handle all referrals of students to counseling.
- PINS DIVERSION  
The District is allowed to file a complaint within the PINS (Person In Need of Supervision) on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:
  - Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - 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.
  - Knowingly and unlawfully possesses marijuana in violation of Penal Law Section 221.05. A single violation of Section 221.05 will be a sufficient basis for filing a PINS diversion.
- Juvenile Delinquents and Juvenile Offenders
  - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
    - 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 Section 1.20(42).
- The superintendent is required to refer students age 16 and older, or any student 14 or 15 years' old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **ALTERNATIVE INSTRUCTION**

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

## **DISCIPLINE OF STUDENTS WITH DISABILITIES (SWDs)**

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 may receive certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

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

- For purposes of this section of the Code of Conduct, the following definitions apply.
  - A "suspension" means a suspension pursuant to Education Law Section 3214.
  - A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
  - An "IAES" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
- School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
  - The Board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into 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.
  - 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 for the same behavior (as described within the first bullet, 3 arrows above), 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.
  - The superintendent may order additional suspensions in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - The superintendent may order the placement of a student with a disability in an IAES to be determined by the relevant members of 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 school 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.

- "Weapon" means the same as "dangerous weapon" under 18 USC Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.
- "Controlled substance" means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- "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.
- 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/her current educational placement poses a risk of harm to the student or others.

### ***Change of Placement Rule***

- A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - For more than 10 consecutive school days; or
  - For more than 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- 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 it is determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

### ***Special Rules Regarding the Suspension or Removal of Students with Disabilities Whose Conduct is found to be a Manifestation of the Student's Disability***

- The District's Committee on Special Education shall:
  - Conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - 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.
- The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable

procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that the 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 student will only be considered a student presumed to have a disability for discipline purposes if:
  - The parent of the student has expressed concerns in writing to supervisory or administrative personnel or a teacher of the student that the student is in need of special education. Such expression of concern need not be in writing if the parent does not know how to write or has a disability that prevents a written statement; or Conducted an individual evaluation and determined that the student is not a student with a disability; or
  - The parent of the student has requested an evaluation of the student in conformity with the state special education regulations; or
  - A teacher of the student or other personnel of the district has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the administrator in charge of special education or other supervisory personnel of the district.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student shall be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

- 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.
- 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.
- 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.
- 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.
- During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

### ***Expedited Due Process Hearings***

- An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - 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/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/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.
  - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
- 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.
- An expedited due process hearing shall be completed in accordance with the applicable state education regulations.

### ***Referral to Law Enforcement and Judicial Authorities***

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

- The district may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- With parent consent, the superintendent shall ensure that copies of the special education and disciplinary records of a student with a disability is transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **STUDENT SEARCHES**

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

- An authorized school official may conduct a search of a student in accordance with New York State Law, so long as the school has legitimate reason for such a search.
- An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.
- Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.
- Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

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

### ***Use of Time Out Rooms, Restraints, and Locked Classroom Doors***

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

- The use of time out rooms are prohibited unless the Part 200.22 (c) requirements are met and it is recorded in the student's IEP and Behavioral Intervention Plan (BIP).
- At no time shall a student be placed in a room for the purpose of discipline and have the door locked so he/she cannot safely get out if he/she desires.
- Only adults who have current training will restrain or transport a student in crisis. If such student is a student with a disability, the use of restraint (CPI) shall be within the management section of the student's IEP. All restraints will be recorded by district personnel.

### ***Documentation of Searches***

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

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

District officials and their designees 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 who may be suspected of committing a crime only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his/her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

## ***Child Protective Services Investigations***

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

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

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

## **VISITORS TO THE SCHOOLS**

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

- 1) Anyone who is not a regular staff member or student of the school will be considered a visitor.
- 2) All visitors and non-building employees to the school must report to security/kiosk upon arrival at the school. There they will be required to sign-in via Raptor using a state or government issued ID and follow the specific building procedures.
- 3) Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to sign-in.
- 4) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum. Teachers are expected not to take class time to discuss individual matters with visitors.
- 5) Visitors are expected not to take class time to discuss individual matters with teachers.
- 6) Any unauthorized person on school property will be reported to the principal or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- 7) All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

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

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

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

### ***Prohibited Conduct***

No person, either alone or with others, shall (This list is intended to be non-exhaustive as these are some examples of unacceptable behavior):

- 1) Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- 2) Behave contrary to the code's defined prohibited conduct as listed above.

### ***Consequences***

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

- 1) Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and law enforcement will be contacted. Additionally, visitors may be subjected to a suspension period from being on campus or at school related events. The length of said suspension shall be determined by administration after investigation of the violation and the violator will receive written notice of the District's determination.
- 2) Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- 3) Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.
- 4) Staff members in the classified service of the civil service entitled to the protection of Civil Service Law Section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- 5) Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### ***Enforcement***

All staff members shall be responsible for enforcing the conduct required by this Code. When the staff member 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 staff member must tell the individual that the conduct is prohibited and attempt to persuade the individual to stop and/or inform building administration. The principal or 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/her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The District must initiate disciplinary action against any student or staff member, as appropriate, with the

"Consequences" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

## **DISSEMINATION AND REVIEW**

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

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

- Providing a public hearing prior to Board approval.
- Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- Making copies of the Code available to all parents at the beginning of the school year.
- Summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year by means of TCSD annual District directory of Events & Parent Information Packet and making this summary available later upon request.
- 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.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.
- Posting the Code of Conduct on the District Web Site at [www.tonawandacsd.org](http://www.tonawandacsd.org).

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

The district shall post the complete Code of Conduct (with all amendments and annual updates) on the district's website. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

## Appendix A

### Elements of a Code of Conduct (*Change all page numbers below*)

The SAVE legislation requires the following elements to be included in school codes of conduct:

	<u>Page(s)</u>
1) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property including school functions, and conduct dress, and language deemed unacceptable and inappropriate on school property including the range of consequences associated with violating these provisions .....	11-17
2) Standards regarding acceptable, civil, and respectful treatment of teachers, school administrators, other school personnel, students, and visitors on school property including the range of consequences associated with violation of these provisions .....	28
3) Provisions defining the roles of teachers, administrators, other school personnel, boards of education and parents .....	6-9
4) Standards and procedures to assure security and safety of students and school personnel.....	25-26
5) Provisions for removals from the classroom and from school property, including school functions of student and other persons who violate codes.....	18-20
6) Disciplinary measures to be taken in incidents involving the possession or use of illegal substances or weapons, physical force, vandalism, violation of civil rights, and threat of violence.....	17
7) Provisions for detention, suspension, and removal of students, which are consistent with federal, state, and local laws, including provisions for school authorities to establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school .....	4, 5, 15-22
8) Procedures by which violations are to be reported, determined, and by which discipline measures are imposed and carried out .....	13-14
9) Provisions ensuring codes, and the enforcement thereof, are in compliance with state and federal laws relating to students with disabilities. ....	22-25
10) Provisions setting forth the procedures by which local law enforcement agencies will be notified of code violations that constitute a crime.....	13
11) Provisions setting forth the circumstances under, and procedures by which, parents will be notified if their child violates the code. ....	13-14
12) Provisions setting forth the circumstances under, and procedures by which criminal court complaints, juvenile delinquency petitions, or person in need of supervision petition will be filed. ....	21
13) Circumstances under, and procedures by which referrals to appropriate human service agencies shall be made. ....	27
14) Minimum suspension periods for students who are repeatedly and substantially disruptive of the educational process or who substantially interfere with a teacher's authority over the classroom, provided that the suspending authority may reduce such periods on a case-by-case basis to be consistent with federal and state law.....	20-21
<i>*The Commissioner will define the term "students who are repeatedly and substantially disruptive" through regulation.</i>	
15) Minimum suspension periods for acts that qualify students to be defined as "violent pupil" as defined in this law, provided that the suspending authority may reduce this period on a case-by-case basis to be consistent with other federal and state laws.....	20
16) Dissemination of Code of Conduct .....	29