

Adopted for:

2018-2019

Niagara Wheatfield
School District

CODE OF CONDUCT

Niagara Wheatfield Central School District Code of Conduct

I. Introduction

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

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

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

The intent of the New York State Dignity for All Students Act (hereinafter referred to as “Dignity Act” or “DASA”), effective July 1, 2012, is to provide all public school students with an environment free from discrimination and harassment, as well as to foster civility in public schools. The Dignity Act also focuses on prevention of harassment and discriminatory behaviors through the promotion of educational measures meant to positively impact school culture and climate. The District and the Board are committed to acting in accordance with the Dignity Act and applicable Regulations of the Commissioner of Education.

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

II. Definitions

For purposes of this Code, the following definitions apply.

“Cyberbullying” will be defined as harassment or bullying by any form of electronic communication, and include incidents occurring off school property that create or would foreseeably create a risk of substantial disruption within the school

environment.

“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 § 11[4] and Executive Law § 292[21]).

"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.

“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 nine-B of article five 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 §§11[4] and 1125[3]).

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

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).

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

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

"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 § 142. (Education Law §11[1]).

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).

"School function" means any school-sponsored extracurricular event or activity. (Education Law §11[2]).

"Violent student" means a student under the age of 21 who:

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

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

manner to cause physical injury or death, or when used in any manner to attempt to cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

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

1. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, disability or any other basis protected by law.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.

7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

IV. Essential Partners

A. Parents

All parents are expected to:

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

11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Teach their children respect and dignity for themselves, and other students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning.

B. Teachers

All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning.
2. Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
3. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
5. Be prepared to teach.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair and consistent manner.
8. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students

e. Classroom discipline plan

9. Communicate regularly with students, parents and other teachers concerning growth and achievement, and other pertinent matters including discipline.

C. Counselors/Social Workers/Psychologists

All Counselors/Social Workers/Psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate conferences with parent/teacher/student/counselor conferences and administrators, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. 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.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the employee's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

D. Principals

All Principals are expected to:

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

5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

6. 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.

7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

E. Dignity Act Coordinators

All Dignity Act Coordinators are expected to:

1. Serve as lead person responsible for facilitating implementation of the Dignity Act.
2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation and gender.
3. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity Act.
4. Accept reports regarding violations and conduct investigations as appropriate in collaboration with the building Principals.
5. Assist in preparing the District's annual report of material incidents of discrimination and harassment that occurred during the school year. Such report shall be submitted to the State Education Department in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

For the 2018-19 school year, the Dignity Act Coordinators are:

Elizabeth Corieri/Katherine Thurman, Tuscarora Indian School, 215-3670

Maria Zawistowski/Elizabeth Antonelli, Errick Road Elementary, 215-3240

Michael Mann/Paul Galgovich, Niagara Wheatfield Senior High School, 215-

3100

Theron Mong/Lenore Palmeri, West Street Elementary, 215-3200

Jodi Hammond/Kevin Gaume, Edward Town Middle School, 215-3150

Marissa Vuich/Jennifer Ertel, Colonial Village Elementary, 215-3270

F. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, and supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

G. Board of Education

The Board of Education is expected to:

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

4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

V. Student Dress Code

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

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tight tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate. Tank tops and muscle shirts are not to be worn by male students.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of headgear or sunglasses in the building, other than entering or exiting, except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, disability, or any other basis protected by law.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for

informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

VI. Prohibited Student Conduct

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

The Board is committed to providing an educational environment that promotes respect, dignity, and equality. The Board recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of its schools. Such behavior affects not only the students who are targets, but also those individuals who participate in, and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, and at school function, which means school-sponsored, extra-curricular events or activities.

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

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

1. Running in hallways.
2. Making unreasonable noise, with no legitimate purpose.
3. Using language or gestures that is/are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account(s); accessing inappropriate websites; or any other violation of the District's acceptable use policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

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

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence (such as hitting, kicking, punching, and/or scratching) upon a teacher, administrator or other school employee or attempting

to do so.

2. Committing an act of violence (such as hitting, kicking, punching, and/or scratching) upon another student or any other person lawfully on school property or attempting to do so.

3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.

4. Displaying what appears to be a weapon.

5. Threatening to use any weapon.

6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.

7. Intentionally damaging or destroying school District property.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.

2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.

3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, including gender identity and gender expression, sexual orientation, disability or any other basis protected by law as a basis for treating another in a negative manner.

5. Harassment, which includes creating a hostile environment by conduct or verbal threats, intimidation or abuse on or off school property that has or would have the effect of unreasonably and substantially interfering with a student's educational performance or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, opportunities or benefits, or mental,

emotional or physical well being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

6. Sexual Harassment, which includes inappropriate visual, verbal or physical conduct directed by an adult or student to another adult or student. Four elements of sexual harassment include (a) sexual in nature or gender based, (b) unwanted and/or unwelcome, (c) severe, persistent or pervasive, (d) interferes with ability to do work, learn or study.

7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

8. Hazing, which includes any intentional or reckless act that endangers or could reasonably be expected to endanger the physical or mental health of any student or another person, directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

9. Selling, using or possessing obscene material.

10. Using vulgar or abusive language, cursing or swearing.

11. Smoking a cigarette, electronic cigarette, cigar, pipe or using chewing or smokeless tobacco.

12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages or controlled substances, or paraphernalia for the use, sale or distribution of alcohol or controlled substances, or being under the influence of alcohol or controlled substances on school property or at a school function. "Controlled substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

13. Inappropriately using or sharing prescription and over-the-counter drugs.

14. Gambling.

15. Indecent exposure, that is, exposure to sight of the private parts of the body in

a lewd or indecent manner.

16. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

17. “Cyber” Violations, which includes inappropriate and/or unauthorized use of technology (i.e., personal electronic devices such as MP3 devices or cell phones; computers, tablets, cameras; video and/or audio taping equipment; software; etc.) and/or the Internet to engage in behaviors including, but not limited to, cyberbullying, intimidating, threatening, harassing, maligning and/or defaming others, accessing websites for non-academic purposes (e.g., social networking; media downloads, etc.) as well as the use of unauthorized proxies or “tunneling”. Cyber violations also include violations of the Acceptable Use Policy and/or electronic devices with text messaging capabilities.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. All Prohibited Student Conduct discussed in Section VI of this Code of Conduct including, but not limited to, excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

VII. Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a teacher, counselor, the building principal or his or her designee. Students may do this orally or in writing (either by using the District complaint form or other means necessary). 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.

All District staff authorized to impose disciplinary sanctions are expected to do so

in a prompt, fair and lawful manner. District staff 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. School employees who witness or receive a report of harassment, bullying or discrimination must notify the principal, superintendent or designee within one school day after witnessing the incident or receiving the report and must file a written report within two school days thereafter.

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, which shall mean no later than the close of business the day the principal or his or her designee learns of the violation or the next day. The notification may be made by telephone, followed by a letter mailed on either the same day or the next business day after the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and that such conduct constituted an alleged crime.

VIII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the Dignity Act requires the development of measured, balanced, and age appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education.

Appropriate remedial measures may include, but are not limited to:

1. Peer support groups, corrective instruction or other relevant learning or service experience;
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored; and/or
5. Student counseling and parent conferences.

Beyond these individual focused remedial responses, school-wide or environmental remediation can be an important tool to prevent discrimination and harassment. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination and harassment;
2. School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
3. Adoption of research based, systemic harassment prevention programs;
4. Modification of schedules;
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent teacher organizations; and/or
10. Peer support groups.

A. Penalties

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate

disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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

Students who are found to have violated the District's Code of Conduct may be subject to - but are not limited to - either one or a combination of the following penalties. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning - any member of the District staff.
2. Written warning - bus drivers, hall and lunch monitors, coaches, counselors, teachers, Principal, Superintendent.
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, counselors, teachers, Principal, Superintendent.
4. Detention - teachers, Principal, Superintendent.
5. Suspension from transportation – Principal, Director of Transportation, Superintendent.
6. Suspension from athletic participation - coaches, Athletic Director, Principal, Superintendent.

7. Suspension from social or extracurricular activities - activity director, Principal, Superintendent.
8. Suspension of other privileges - Principal, Superintendent.
9. In-school suspension - Principal, Superintendent.
10. Removal from classroom by teacher - teachers, Principal.
11. Short-term (five days or less) suspension from school - Principal, Superintendent, Board of Education.
12. Long-term (more than five days) suspension from school - Principal, Superintendent, Board of Education.
13. Permanent suspension from school - Superintendent, Board of Education.

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

School authorities will establish policies and procedures to ensure the provision of continued educational programming and activities for students who are removed from the classroom, placed in detention or suspended from school.

B. Procedures

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

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

1. **Detention.** It is the student's responsibility to inform his/her parents that detention has been assigned.

2. **Suspension from Transportation.** A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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

4. **Classroom Removal.** A student subjected to removal from class for disruptive behavior may be removed immediately if he or she poses a danger or ongoing threat of disruption. However, the teacher must explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. If the student does not pose a danger or ongoing threat of disruption, the teacher must provide the student with an explanation of why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student may be removed.

Within 24 hours after the student's removal, the principal or another administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal (or the principal's designee) and the teacher to discuss the reasons for the removal. The written notice must be provided in some manner that is reasonably calculated to assure receipt of the notice at the last known address of the parents within 24 hours of the student's removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

version of the relevant events. The principal or the principal's designee may overturn the removal of the student from class if he or she finds that the charges are not supported by substantial evidence, the student's removal is otherwise in violation of the law, or the conduct warrants suspension from school pursuant to Education Law § 3214 and a suspension will be imposed.

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

5. Short-Term Suspension (five days or less). When the superintendent or principal ("suspending authority") proposes to suspend a student charged with misconduct for five days or less, the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be sent within 24 hours of the decision to proposed suspension to the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within ten (10) business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

6. Long-Term Suspension (more than five days). When the superintendent or building principal determines that a suspension of more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. The notice shall give fair notice of the charges against the student and of the date when the hearing will take place. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. A record of the hearing shall be made. The hearing officer, if one is appointed, 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 of Education, which 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 ten (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 of Education within 30 days of the decision.

7. Permanent suspension. Permanent Suspension is reserved for

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school. Any student, other than a student with a disability*, found guilty of bringing a weapon on to school property will be subject to suspension for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis.

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

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

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

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom. Any student who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended for at least five days. For purposes of this Code, "is repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by a teacher(s) pursuant to Education Law § 3214(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 students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis.

D. Referrals

1. Counseling

All counseling referrals shall be made to the Counseling Office.

2. PINS Petitions

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possessing marijuana in violation of Penal Law § 221.05.

3. 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:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

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

IX. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove

or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities and students presumed to have a disability are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing, or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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

Any administrator who needs to discipline a student with a disability or a student presumed to have a disability is required to adhere to the steps in the disciplinary process as specified in §§ 3214 and 4403 of the Education Law and Parts 100, 200, and 201 of the Regulations of the Commissioner of Education. District administrators shall seek guidance from the Special Education office regarding discipline procedures.

X. Alternative Instruction

When a teacher removes a student of any age from a class or a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the District will provide alternative means of instruction for the student. When possible, alternative instruction will be provided within one school day.

XI. Dissemination and Review of the Code of Conduct

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

1. Providing copies of a summary of the Code to all students at the beginning of each school year.
2. Posting the Code of Conduct on the District website for access by parents and community members.
3. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.

4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the Code available for review by students, parents and other community members.

The Board of Education will review this Code of Conduct every year and update it as necessary. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Approved by BOE – 7/11/18