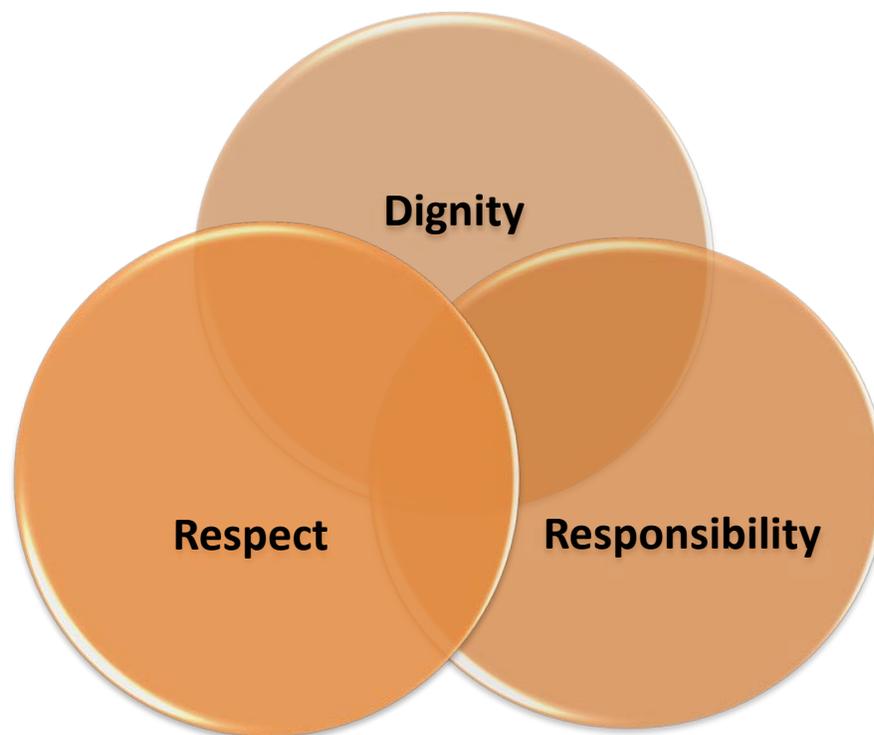


# Churchville-Chili Central School District



## CODE OF CONDUCT



**2019-2020**

*Board of Education approved 6/25/2019*

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*Upon request, the district will provide a translation of this document.*

# Churchville-Chili Code of Conduct

## I. Introduction

The Board of Education (“Board”) is committed to providing a safe and orderly school environment free of harassment and bullying where students may receive and Churchville-Chili District (“District”) personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, District personnel, parents/guardians, and other visitors is essential to achieving this goal.

The Churchville-Chili Central School District challenges all students to strive for excellence while developing their unique talents and becoming respectful, resourceful citizens and contributing members of an interconnected global society.

The District within its community to include our Board of Education, Superintendent, staff, families and students define as its Core Beliefs:

- In treating each other with mutual respect, dignity and honesty.
- In respecting and preserving all of our school resources.
- That respecting diversity affirms individual worth and benefits the community.
- That everyone deserves a welcoming and nurturing environment that fosters positive relationships.
- Everyone learns best when they are engaged in meaningful, active work.
- Everyone needs to take ownership for advancing the learning of themselves and others.
- In promoting and modeling local, national and global citizenship for the greater good.

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 (“Code”).

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

## II. Definitions

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

**B. 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 Education Law §11[1] and Vehicle and Traffic Law §142.

**C. 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).

**D. School function** means any school-sponsored extra-curricular event or activity, (Education §11[2]).

**E. 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]).

Students with disabilities are those who fall within a Section 504 or one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and section 200.1(zz) of the commissioner's regulations, and who, because of this, needs special education or related services (20 USC § 1401(3)(A); 34 CFR § 300.8; 8 NYCRR § 200.1(zz)).

**F. Due Process** is a legal proceeding followed to make a complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of your child, or the provision of a free and appropriate public education to your child.

**G. 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]).

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

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

**J. Conflict** is defined as a disagreement, fight, battle or struggle between parties.

**K. 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 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 or any other status protected by Law (Education Law § 11[7]).

**L. Discipline** is the interventions and consequences which are clear, fair, age appropriate and consistent so as to be the most effective in changing student behavior.

**M. Interventions** are strategic problem-solving plans that are unique to each individual's situation.

**N. Mediation** is a voluntary process in which individuals must agree to participate to resolve conflict

**O. Restorative Practices** is a process which brings people together to build community and/or repair harm caused by wrongdoing.

**P. An insubordinate student** is a student who disobeys authority (refer to Section VI, C).

**Q. 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 (refer to Section VI, C).

**R. A student whose conduct endangers the health, safety, and welfare of him/herself and/or others** is a student who has placed him/herself or another person in a potentially harmful situation, either through negligence, reckless behavior or misconduct (refer to Section VI, C).

**S. Violent student** is defined as an elementary or secondary student twenty-one years of age or under who:

1. commits an act of violence (such as hitting, kicking, punching, biting, and scratching) upon a student, teacher, administrator, or other school employee, or attempts to do so, or threatens to do so;
2. commits, while on school property or at a school function, an act of violence (such as hitting, kicking, punching, biting, and scratching) 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. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession;
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 a student, teacher, administrator, other School District employee, or any person lawfully on school property or at a school function including graffiti or arson; or
7. knowingly and intentionally damages or destroys School District property (refer to Section VI, C).

**T. A Weapon as defined by \* N.Y.C.R.R. § 100.2 (gg) (1) (iii)**

(a) means any of the following: §a) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air powered gun or spring gun;

(b) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;

(c) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;

(d) a sandbag or sandclub;

(e) a sling shot or slungshot;

(f) a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;

(g) an explosive, including but not limited to a firecracker or other fireworks;

(h) a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or pepper spray;

(i) an imitation gun;

(j) loaded or blank cartridges or other ammunition; or

(k) any other deadly or dangerous instrument.

### **III. Student Rights and Responsibilities**

The District's aim is to provide an environment in which a student's rights and freedoms are respected. The Board of Education assures District students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The District recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

#### **A. It shall be the right of each District student:**

1. to have a safe, healthy, orderly, and courteous school environment free of harassment and bullying;
2. to take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex or any other status protected by law;
3. to attend school and participate in school programs regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex or any other status protected by law unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. to have school rules and policies available for review and, whenever necessary, explanation provided by District personnel;
5. to be suspended from instruction only after his/her rights pursuant to this Code of Conduct and Education Law § 3214 have been observed;
6. to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
7. to appeal when he/she believes that he/she has been falsely accused or unfairly disciplined, by following the appeal process (see Section IX Disciplinary Interventions and Procedures);
8. to enjoy the constitutional guarantees of the right of freedom of speech so long as such expression does not significantly disrupt instruction or involve substantial disorder, coerce others to participate in a particular mode of expression, violate the rights of those who disagree with a given point of view, or impede with the rights of other students to be secure and be let alone;
9. to have access to school bulletin boards identified for student use, the public address system and school duplicating equipment, subject to reasonable time limitations, purpose and expense:
  - requests for such use, stating the purpose and cost, if any, shall be submitted to the Building Principal for review and approval;

10. to enjoy the rights of the Federal Equal Access Act, which gives student groups the opportunity to use school facilities for student initiated activities during "non-instructional time."

- the school shall not discriminate against any students conducting such meetings on the basis of the religious, political, philosophical or other content of the speech at such meetings;
- "meetings" is defined as time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

**B. It shall be the responsibility of each District student:**

1. to be familiar with and abide by all District policies, rules and regulations pertaining to student conduct and report violations thereof;
2. to work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. to conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the District and as such hold him/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
4. to seek help in solving problems that might lead to discipline procedures;
5. to be in regular attendance at school and in class;
6. to contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons, their property and that of the District;
7. to report immediately to a teacher or an administrator, the knowledge of any threat of violence or the knowledge of any student possessing a weapon, alcohol (all forms including low-alcohol beverages sometimes referred to as non-alcoholic beer), or illegal substance on school property or at a school function. The District will place a high priority on the confidentiality of the reporting student;
8. to dress in accordance with standards promulgated by the Board of Education and the Superintendent (refer to Section V);
9. to abide by the following guidelines governing the use of school facilities for student initiated activities that are not school sponsored:
  - a. **Request for use of Facility** - Submit a written request at least ten (10) days prior to the date such meeting is to be held which shall include;
    - identification of the date(s) and time(s) of the meeting

- indication of the number of students expected to participate
  - indication of the general purpose of the meeting; and
  - indication of the names of the students responsible for calling the meeting
- b. **Leadership at Meetings** - Student initiated meetings may not under any circumstances be directed or conducted by a school employee nor by a person not a member of the student body. Non-school persons may not attend such meetings unless the Building Principal has granted approval to do so. A written request to permit a non-school person to attend such a meeting must be submitted to the Building Principal at least five (5) days prior to each meeting. The purpose for the attendance by the non-school person shall be clearly defined in the request.
- c. **Meeting Supervision** - An employee of the school will serve as a supervisor or monitor of the student initiated meeting. His or her function is to provide adult supervision to insure that school regulations are not being violated. The school employee may not participate in the meeting nor influence the form or content of the meeting in any way. The Building Principal will approve the supervisor.
- d. **Non-approval of meeting request** - Meeting requests shall not be approved if, in the opinion of the Principal, the meeting jeopardizes "order and discipline on school premises, or the well-being of the student body or if the meeting might" materially and substantially interfere with the orderly conduct of educational activities within the school or if the meeting is planned for an unlawful purpose. A student initiated meeting may not restrict attendance on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex or any other status protected by law.

## **IV. Essential Partners**

Essential partners shall be role models of respectful behavior as they interact with all students. The roles of essential partners are further elaborated in this section.

### **A. Teachers:**

1. maintain appropriate student behavior and a climate of mutual respect and dignity in their classrooms and throughout their schools at all times. Classrooms and schools should be so managed that at all times the objectives of training for self-discipline, individual responsibility, and favorable climate for learning will be realized;
2. exhaust all possibilities and resources available to them for a solution when a discipline problem occurs. This means that, in most cases, there will be at least one or more private conferences between the teacher, the student, and the parent(s)/guardian(s) to attempt to resolve the problem. If this is unsuccessful, teachers need to seek further assistance from the administration and/or counseling staff of the school;
3. contact and involve the parents/guardians as soon as possible in the resolution of a problem;
4. detain students after school for a conference and assistance when appropriate. Such a detention may be scheduled for the day following the infraction so that the teacher can inform the parents/guardians and arrangements can be made for transportation;
5. know school policies and rules, and enforce them in a fair and consistent manner;
6. provide instructional materials for suspended students upon request and students with an approved medical excuse from classes;
7. work with students to understand their behavior and to reinforce appropriate behavior.

### **B. Counselors and Psychologists:**

1. work with teachers and administrators to involve the parents/guardians in the resolution of a problem.
2. work as part of a multidisciplinary team with parents/guardians and students to develop Response to Intervention Plans designed to help students to be more successful in school.
3. provide short-term individual and group counseling and/or make appropriate referrals to outside agencies.

**C. Administrators:**

1. promote a safe, orderly, and stimulating school environment, supporting active teaching and learning;
2. enforce the laws, policies, this Code of Conduct and regulations to ensure appropriate student behavior and a conducive educational climate;
3. contact and involve parents/guardians in the resolution of a problem;
4. conduct parent conferences;
5. work with students to improve their behavior and, when appropriate, refer them to the appropriate support personnel for additional assistance;
6. work with teachers, counselors, other staff members, parents/guardians, and students to attempt to elicit the root cause of inappropriate behavior and collaboratively develop plans to address both the symptoms and root causes of discipline problems.

**D. Other School Staff:**

1. deal with all students in alignment with the District's Core Beliefs (refer to Section I);
2. uphold the Code of Conduct;
3. report violations to school authorities.

**E. Parents and Guardians:**

1. confer and cooperate with District personnel in working toward solutions to problems;
2. know the District Code of Conduct and expect compliance from their children;
3. Seek out-of-school help (medical, counseling, and parenting) when necessary.

**F. Board of Education:**

1. adopts District policy and administrative regulations;
2. hears appeals of suspension decisions;
3. provides for alternative instruction for suspended students under the compulsory school attendance age;
4. adopts and reviews at least annually the District's Code of Conduct based on a district committee's evaluation of the Code's effectiveness and fairness and consistency of its implementation.

## V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Individuality in dress is a matter of personal choice, but it will not be permitted to interfere with, disrupt, or distract from the activities of the school. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

The following requirements for appropriate dress shall apply:

- A. A student's clothing must not include items that are or are perceived to be, vulgar, obscene, libelous in nature or offensive to others because of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- B. A student's clothing must not promote and/or endorse the use of alcohol, tobacco, smoking or illegal drugs and substances, weapons, and/or encourage other illegal or violent activities. (*Refer to Definitions in Section II*).
- C. A student's dress, grooming and appearance shall be safe, appropriate and not disrupt or interfere with the educational process.
- D. Students must recognize that extremely brief garments may be deemed inappropriate.
- E. Students must ensure that undergarments are completely covered with outer clothing.
- F. Students must wear footwear at all times. Footwear that is a safety hazard will not be allowed.
- G. Students in grades Kindergarten through eight may not wear hats, hoods, visors, head gear, scarves or bandanas except for a medical or religious purpose. Students in grades nine through twelve may wear head coverings as long as it does not shield the face. Upon a reasonable request by a staff member, students will remove head coverings.
- H. In classes such as science, technology, art, and physical education, students are required to wear appropriate protective gear or prescribed types of clothing such as athletic footwear and shorts.

Each building principal or his or her designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year.

Students who violate the dress code shall be required to modify their appearance to adhere to the dress code defined by this Code of Conduct. 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.

## 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 students' ability to grow in self-discipline.

As necessary, Response to Intervention Teams, including pupil service personnel, administrators, teachers, and others should convene to communicate about a student when they believe such students' emerging pattern of behavior presents a possible discipline problem. Appropriate personnel will conduct an investigation of the reports and/or communicate, which may include conferences with the student, parents/guardians, teachers, other pupil service personnel or others, as they deem necessary for the early identification and resolution of a suspected problem. If an administrator suspects that the problem may be a manifestation of a disability, he or she will refer the matter to the school psychologist who will make a referral to the Committee on Special Education in the manner prescribed by 200.4 of the Commissioner's Regulations and by District policy.

The Board recognizes the need to make its expectations specific and clear for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to do that and to 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 subject to the penalties for their conduct.

A student may be subject to disciplinary action, up to and including suspension from school, when he or she:

- A. engages in conduct that is **insubordinate**. **Examples** of insubordinate conduct include:
  - 1. failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
  - 2. lateness for, missing or leaving school without permission;
  - 3. skipping detention;
  - 4. unauthorized use of a cell phone or any e-device during class or other instructional activities.
- B. engages in conduct that is **disruptive and/or disorderly**. **Examples** of disorderly conduct include:
  - 1. running in the hallways;

2. making unreasonable noises;
  3. using language or gestures that are profane, lewd, vulgar or abusive;
  4. obstructing vehicular or pedestrian traffic;
  5. engaging in any willful act which disrupts the normal operation of the school community;
  6. trespassing; Students are not permitted in any school building or on school grounds, other than the one they regularly attend, without permission from District personnel;
  7. computer/electronic communications misuse; including any unauthorized use of computers, software, or internet and intranet account; accessing inappropriate web sites or any other violation of the District's acceptable use and social media policies.
- C. engages in any conduct that **endangers the safety, health, morals or welfare of self or others**. **Examples** of such conduct include:
1. lying to District personnel;
  2. stealing the property of other students, District 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 or individuals that harm the reputation of the person or the identifiable group by demeaning them;
  4. discrimination, which includes the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex as a basis for treating another in a negative manner;
  5. bullying and harassment, which includes an action or a persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning;
  6. cyberbullying, which includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs). **Cyberbullying may result in disciplinary action when it occurs on or off school property and disrupts the educational process.**
  7. intimidation, which includes engaging in actions or statements (both oral and written) that put an individual in fear of bodily harm;

8. hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team;
9. selling, using or possessing obscene material; to include the possession or transmission of sexually explicit photos or text using a cell phone or other personal electronic device (commonly referred to as “sexting”).
10. using vulgar or abusive language, cursing or swearing;
11. smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco; The use and/or possession of e-cigarettes, vaporizers, vapes and related accessories such as lighters, matches, or rolling papers, and other products containing nicotine are also prohibited; in accordance with the NYS Clean Indoor Air Act, the NYS Public Health Law, the federal Pro-Children act of 1994, Education Law and District Policy 5640, the District is a smoke-free environment. *Refer to Group B Offenses in Section IX Disciplinary Interventions and Procedures*
12. possessing, consuming, selling, distributing or exchanging alcoholic substances (including powdered alcohol) or illegal substances or related paraphernalia, or being under the influence of either an alcoholic or illegal substance. “Illegal substances” include, but are not limited to, e-cigarettes, vapes, inhalants, marijuana, cocaine, LSD, PCP, heroin, amphetamines, steroids, look-alike drugs, synthetic marijuana, Cannabidiol (CBD), Tetrahydrocannabinol (THC) and all substances that produce a marijuana-like high including herbal incense and bath salts, 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. indecent behavior, which includes the inappropriate public display of affection that offends the community standards of decency;
17. initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher;
18. possession of a knife of any kind;
19. possession of a weapon as defined by N.Y.C.R.R. § 100.2 (gg) (1) (iii) (refer to section II).

D. engages in conduct that is **violent**. **Examples** of violent conduct include:

1. committing an act of violence (such as hitting, kicking, punching, biting, and scratching) upon a teacher, administrator or other school employee, or attempting to do so, or threatening to do so;

2. committing an act of violence (such as hitting, kicking, punching, biting, and scratching) upon another student or any other person lawfully on school property or attempting to do so, or threatening 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, or other District employee or any person lawfully on school property, including graffiti or arson;
  7. intentionally damaging or destroying School District property.
- E. engages in **misconduct while on a school bus**. Parents/guardians should review these rules with their children before school starts in September. Safety for children while riding school buses is a major concern. For that reason, it is necessary for students to conduct themselves in an orderly fashion. The school bus is school property, and appropriate behavior is expected at all times. Students who violate these rules will be subject to disciplinary action in accordance with school policies.

### **Transportation Rules**

1. Students should remain seated until the bus comes to a complete stop.
2. Elementary students may be asked to sit three to a seat if necessary (Some drivers have seat assignments for students.)
3. Students shall not block the aisles and must stay seated, facing forward.
4. Profanity, loud talking or unnecessary noise is unacceptable. Appropriate conduct is expected at all times.
5. Hands and arms are to be kept inside the bus at all times. Students are not permitted to open the window except with the permission of the driver.
6. Smoking or possession of drugs or alcohol (all forms) or related substances on school buses is a violation of state law and school policy and is not permitted at any time.
7. Students are to keep the bus clean and orderly. Refuse must be deposited in the container at the front of the bus.
8. School buses must not be damaged or vandalized by students. The cost of repairing or replacing damaged items such as seat cushions will be charged to the parents/guardians of the children involved.

9. Students are not allowed in the driver's seat at any time.
  10. When leaving the bus, students must walk ten feet in front of the bus along the shoulder and then cross the highway **only** when the driver signals that the roads are clear and it is safe to proceed. Students are not to walk along the side of the bus or cross behind it.
  11. Items such as pets, glass containers, skateboards, hockey sticks, baseball bats, skis, and sleds are not allowed on buses.
  12. Athletic cleats are not to be worn on the bus.
- F. engage in any form of **academic misconduct** as defined in the Academic Honesty Policy (#7300). **Examples** of academic misconduct may include:
1. plagiarism;
  2. cheating;
  3. copying;
  4. altering records;
  5. inappropriate use of information obtained from computer resources;
  6. assisting another student in any of the above actions.

## VII. Student Use of Electronic Information Resources

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

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

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

In accordance with the Children's Internet Protection Act, the District installs and operates filtering software to limit user's Internet access to materials that are obscene, pornographic, harmful to children, or otherwise inappropriate or disruptive to the educational process, notwithstanding that such software may in certain cases block access to other materials as well. At the same time, the District cannot guarantee that filtering software, as explained in the Internet Safety Policy 8271, does not negate or otherwise affect the obligation of users to abide by the terms of this Code of Conduct and to refrain from accessing such inappropriate materials.

### A. Regulations for Use

*Student users of technology will:*

- Use or access District technology only for educational purposes
- Comply with copyright laws and software licensing agreements. Torrenting any copyrighted material is illegal and not allowed through the district network. Students are not allowed to stream music and/or movies from any site that does not prove it has a legal licensing agreement with the copyright holder.
- Understand that email and network files are not private. Network administrators may review files and communications to maintain system integrity and monitor responsible student use.
- Respect the privacy rights of others.

- Be responsible at all times for the proper use of technology, including proper use of access privileges, complying with all required system security identification codes, and not sharing any codes or passwords.
- Maintain the integrity of technological resources from potentially damaging messages, physical abuse, or viruses.
- Abide by the policies and procedures of networks and systems linked by technology.

*Students may not use District technology for improper uses. These uses include, but are not limited to:*

- Any and all illegal purposes, these include, but are not limited to spreading computer viruses, arranging for drug sale, purchase of alcohol, engaging in criminal gang activity, threatening the safety of a person, etc.;
- Any and all obscene or pornographic purposes, including, but not limited to, retrieving or viewing sexually explicit material;
- Any and all discriminatory purposes, including harassment and bullying of individuals based on race, gender, religion, sexual orientation, or disability, among others;
- Any and all purposes that would violate state, federal or international law, including
  - Copyright laws;
  - Cyberbullying laws; and
  - Sexting laws.
- Any use of profanity, obscenity, or language that is offensive, harassing or threatening;
- Reposting or forwarding personal communications without the author's prior consent;
- Reposting or forwarding of junk mail, chain letters, or inappropriate or offensive jokes;
- Destruction, alteration, disfigurement or unauthorized access of hardware, software, or firmware;
- Obtaining financial gain or transacting any business or commercial activities;
- Plagiarizing (claiming another person's writings as your own);
- Political advocacy;
- Disrupting the use of others to any process, program or tool, including downloading or otherwise spreading computer viruses;
- Engaging in hacking of any kind, including, but not limited to, the illegal or unauthorized access;
- Allowing others to use property issued under the program without authorization, including students whose access privileges have been suspended or revoked;
- Soliciting or distributing information with the intent to incite violence, cause personal harm, damage a person's character, or to harass another individual.

The use of computerized information resources is a privilege, not a right. Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school

conduct and discipline policy and this Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

### **No Expectation of Privacy**

Users should not expect that email or files stored on District servers will be private. The District reserves the right to log technology use, to monitor fileserver space utilization by users, and to examine users' files and materials as needed, and at its discretion. Users must recognize that there is no assurance of confidentiality with respect to access to transmissions and files by persons outside, or from persons inside the District.

### **Internet Safety**

Students must take steps to ensure their safety on the internet, including, but not limited to, the following rules:

- Students should never give out identifying information such as home address, school name, or telephone number to others on the Internet or by email, including in a public message such as chat room or newsgroups. If a person asks for such personal information, it should be reported to a teacher, administrator and/or parent immediately.
- Students should not post photographs of themselves in newsgroups or on websites that are available to the public.
- Students should not arrange a face-to-face meeting with someone they "meet" on the Internet or by email.
- Student Users should not respond to messages that are suggestive, obscene, belligerent, threatening, or make a student user feel uncomfortable. If a student receives such a message, he or she should provide a copy of the message to a teacher, administrator and/or parent immediately. If the message requires school action (e.g., bullying) the student's parent should provide a copy to the a CCCSD administrator.
- Use of anonymizers, proxy servers and VPN connections to bypass the district content filter is prohibited. Use of these sites put you and your personal data at risk, bypassing the safety measures the district has in place to protect your online activity.

The District recommends that parents/guardians read and follow the U.S Department of Justice Guidelines for Parents/Guardians on Internet Safety located at:

<https://www.justice.gov/criminal-ceos/children-internet-safety>

## **Cell Phones/Electronic Devices**

- a. The use of cell phones and electronic devices is a privilege, not a right, and may be revoked for irresponsible use. The District and its employees are not responsible for lost or stolen devices.
- b. Cell phones/electronic devices may be carried by students in grades 7-12 and kept in student possession during the school day and after school.
- c. Use of cell phones/electronic devices by students in grades 7-12 during instructional time including study halls is left to the discretion of the teacher following set district expectations (see Appendix A).
- d. Students in grades 7-12 will be allowed to use electronic devices for personal use during hallway passing time, during their scheduled lunch and after school.
- e. Students in grades K-6 will be allowed to bring cell phones to school for use before and after the school day. All devices must be turned off and secured in their lockers/cubbies during the school day.
- f. Students who have been assigned to in-school-suspension or long-term suspension classrooms will not be allowed to use cell phones in these rooms.

## **Plagiarism and Copyright Infringement**

- a. Students must respect the rights of copyright owners. Copyright infringement occurs when one inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, students should follow the expressed requirements. If unsure whether or not the work can be used, students should request permission from the copyright owner. Copyright law can be very confusing. Teachers should be consulted if there are questions.
- b. Students should not plagiarize works found on the Internet or other resources. Plagiarism is taking the ideas or writings of others and presenting them as if they were the student's.
- c. Torrenting any copyrighted material is illegal and not allowed through the district network. Students are not allowed to stream music and/or movies from any site that does not prove it has a legal licensing agreement with the copyright holder.

*(For further information, refer to Section VI, letter F)*

## **Inappropriate Access to Material**

- a. Students should not use the District system to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination toward other people (hate literature). A special exception may be made for hate literature if the purpose of the access is to conduct research and both a teacher and parent/guardian have approved.

- b. If a student mistakenly accesses inappropriate information, he/she should tell a teacher or another District employee immediately (or disclose this access in the manner specified by the school.) This will protect the student against a claim that he or she has intentionally violated this regulation.
- c. Parents/guardians should instruct their children if they believe there is additional material they think would be inappropriate to access. The District fully expects students to follow their parents'/guardians' instructions in this matter.
- d. Parents/guardians have the right at any time to request to see the contents of their son or daughter's e-mail files and recent internet activity.

## **B. Student Rights**

### **1. Free Speech**

Students' rights to free speech, as set forth in the Student Bill of Rights and Responsibilities, apply also to communication on the Internet. The District system is considered a limited forum, similar to the school newspaper, and therefore the District may restrict speech for valid educational reasons. The District will not restrict speech on the basis of a disagreement with the opinions a student is expressing.

### **2. Search and Seizure**

- a. Lockers, desks, electronic files and other school storage are provided by the school for student use. 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, desk, computer files and other school storage may be subject to search at any time, without prior notice to students and without their consent.
- b. Routine maintenance and monitoring of the District system may lead to discovery that a student may have violated this regulation, another District policy, or the law.
- c. If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

*(For further information, refer to Section XIII.)*

### **3. Due Process**

- a. The District will cooperate fully with local, state, and federal officials in any investigation related to any illegal activities conducted through the District system.

- b. In the event there is a claim that a student has violated this regulation or another District policy in use of the District system, that student will be provided with a written notice of the suspected violation and an opportunity to present an explanation before a neutral administrator.
- c. If the violation also involves a violation of other provisions of the Student Code of Conduct, it will be handled in a manner described in School Board policies or building procedures. Additional restrictions may be placed on the student's use of his or her Internet account.

### **C. Limitation of Liability**

The District makes no guarantee that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage the student may suffer, including but not limited to loss of data or interruptions of service. The District is not responsible for the accuracy or quality of the information obtained through or stored on the system. The District will not be responsible for financial obligations arising from unauthorized use of the system.

### **D. Personal Responsibility**

Ultimately, appropriate use of the District system is the responsibility of the individual. The user is accountable for lawful exercise of Internet privileges and will be held responsible for illegal or unethical use.

## **VIII. Reporting Violations of the Code of Conduct**

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. Any student observing a student possessing a weapon, alcohol (all forms) 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. The District will place a high priority on the confidentiality of reporting students.

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 that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their Supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to the staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol (all forms) or illegal substance or related paraphernalia found shall be confiscated immediately, if possible, followed by notification to the parent/guardian of the student involved and the imposition of an 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 to investigate and prosecute 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 or her designee learns of the violation. Criminal acts such as bomb threats or possession of a weapon on school grounds shall be included in this notification. 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. A written police report at the scene may replace the Principal's requirement for notification.

Retaliation against any individual who, in good faith, reports or assists in the investigation of violations to the Code of Conduct, is prohibited.

## **IX. Disciplinary Interventions and Procedures**

It is recognized that a strong instructional program is often the best method for maintaining appropriate behavior. Restorative practices build respect and community, resolve conflicts and repair harm caused by wrongdoing.

Discipline and interventions are 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. 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.

All interventions and consequences will be clear, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate action, District personnel will consider the following:

- the student's age and/or development
- the nature of the offense and the circumstances which led to the offense
- the student's prior disciplinary record
- the effectiveness of other forms of discipline
- information from parents/guardians, teachers and/or others, as appropriate
- other extenuating circumstances

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

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

### **A. Range of Interventions**

It should be noted clearly that the purpose of discipline is to change behavior. To that end, a wide variety of strategies including restitution, counseling, community service, and other positive restorative interventions, should be considered to make disciplinary situations learning opportunities for students consistent with the student's right to due process. A thorough investigation of the circumstances needs to occur and include the student's perspective. The range of strategic measures which may be used, alone or in combination, by staff and/or administration for violations of the student disciplinary code include the following:

1. verbal discussion;
2. verbal notification to parents/guardians

3. written notification to parents/guardians
4. consideration of restorative options including third party mediation and/or restorative circle
5. restitution
6. pass restriction
7. detention
  - before school detention
  - lunch detention
  - teacher detention
  - administrative detention
  - Saturday detention
8. in school suspension
9. suspension from transportation
10. suspension from athletics participation
11. suspension from social or extracurricular activities
12. suspension of other privileges
  - A. Parking
    - a) loss of parking
    - b) loss of senior privileges
  - B. Cell Phones
    - a) unauthorized use of cell phone could result in a warning, removal of the device being returned to the student at the end of the day or removal of the device being returned to the parent/guardian. Frequent offenses could result in consequences for persistent disobedience.
13. exclusion from a particular class by teacher
14. suspension from school (5 days or less)
15. suspension from school (more than 5 days)
16. permanent suspension
17. referral to law enforcement agencies

These regulations and penalties are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided for therein.

## **B. Other Interventions**

The District recognizes that in many situations, traditional forms of student discipline such as detention or suspension do not succeed in dealing with the core issues causing behavioral problems. Therefore, the District encourages its administrators, faculty and parents/guardians to voluntarily explore additional types of interventions in appropriate circumstances. Other support strategies may include:

1. Counseling at school (e.g. anger management )
2. A referral to outside counseling
3. A referral to Response to Intervention Team
4. A referral to Alternative educational setting

When appropriate, a student may be offered restorative process options in combination with or in lieu of further penalties. These options will be arranged through the counseling office with the cooperation of parents/guardians.

## **C. Procedures**

The student is entitled to due process prior to discipline. District personnel 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 District personnel. When appropriate, a student may be offered restorative process options in combination with or in lieu of further penalties

Students who are to be given penalties other than a verbal warning, written warning or written notification to their parents/guardians are entitled to additional rights before the consequence is imposed.

### **1. Third Party Mediation (neutral)**

Third party mediation can be broadly defined as “a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider to change their perceptions or behavior, and to do so without resorting to physical force or invoking the authority of law” (Bercovitch 2009:343)

### **2. Restorative Circle**

A Restorative Circle is a community process for supporting those in conflict. It brings together the three parties to a conflict – those who have acted, those directly impacted and the wider community – within an intentional systemic context, to dialogue as equals. Participants invite each other and attend voluntarily. The dialogue process used is shared openly with all participants, and guided by a community member. The process ends when actions have been found that bring mutual benefit. Restorative Circles are facilitated in 3 stages designed to identify the key factors in the conflict, reach agreements on next steps, and evaluate the results. As a circle form, they invite shared power, mutual understanding, self-responsibility and effective action.

### 3. **Detention**

Teachers, Principals and the Superintendent may use detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention may occur before school, during lunch, after school with a teacher or administrator or on Saturdays. Detention will be imposed as a penalty only after the student's parent/guardian has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention and/or to the detention as applicable. If the parent/guardian refuses to consent to this penalty, other alternatives will be considered and may be imposed.

### 4. **Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of a building administrator. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian 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.

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

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian 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.

### 6. **In-school suspension**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and his or her designees to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension assignment will be considered to be an academic and behavioral learning experience.

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

## 7. **Teacher disciplinary removal of disruptive students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) having a student escorted to the Principal's office for the remainder of the class time only; or (3) having a student escorted to a counselor or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

In grades 7-12, a classroom teacher may remove a disruptive student from class for up to two days. In grades K-6, a classroom teacher may remove a disruptive student from class for up to one day. The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours of the student's removal. If the 24-hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

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

Within 24-hours after the student's removal, the Principal or another District administrator designated by the Principal must notify the student's parents/guardians, in writing, or by telephone, that the student has been removed from class and why. The

communication must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal. Every effort will be made to include the teacher who ordered the removal to participate in the meeting.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents/guardians a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. If the 48-hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The timing of the informal meeting may be extended by mutual agreement of the parent(s)/guardian(s) and Principal.

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. The teacher will provide necessary materials.

The Principal or assistant Principal must keep a log of all removals of students from class.

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

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

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

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

When the Principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also provide notice by telephone to the student’s parents/guardians that the student may be suspended from school and provide the opportunity for an informal conference.

Written notice must also 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/guardians. The notice shall inform the parents/guardians of the right to request an immediate informal conference with the Principal as well as the right to question complaining witnesses.

The written notice and opportunity for an informal conference shall take place prior to the suspension of the student 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.

The conference shall provide a description of the charges against the student and the incident for which suspension is proposed. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. At the conference, the parents/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

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

A student may not be suspended for a period in excess of five (5) school days unless he/she and the parent/person in parental relation to him/her shall have had an opportunity for a Superintendent's Hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on his/her behalf and the right to cross-examine witnesses

against him/her. The notice of the hearing should advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense.

The student may bring a parent/person in parental relation with him/her to the hearing, and both the student and the person invoking the hearing procedure may be represented by counsel. An interpreter shall be provided, if needed.

At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence may be admitted but alone is not sufficient, notwithstanding the administrative nature of the proceeding. The burden of proving guilt rests upon the District, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf and is free to cross-examine witnesses against him/her.

Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct student disciplinary hearings. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board may accept or reject all or any part of such report.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes. Although the alternative instruction need not match in every respect the instructional program previously offered to the student, it must be adequate enough so that the student may complete his/her work.

In the case of a potential long term suspension of a student classified as having a disability, a referral to the District Committee on Special Education will be made immediately, if possible, but in no case later than 10 school days after the suspension hearing to determine if the behavior giving rise to the suspension is a manifestation to the disability.

### **c. Permanent suspension**

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

## **D. Consequences for Student Misconduct**

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. 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.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. 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. The listed consequences are meant to serve a guideline to ensure consistent disciplinary consequences for our students in disciplinary situations. **However, extenuating circumstances such as the severity of the offense, the timing of the offense, a student's prior disciplinary record and the age of the student, may, in some instances, necessitate deviation from these guidelines.**

**POSSIBLE CONSEQUENCES<sup>1</sup>**

<b>Level 1/ 1st Offense:</b>	Verbal warning Parent/Guardian notification Teacher consequence	Teacher Choice
<b>Level 2 / 2nd Offense:</b>	Mandatory parent/guardian notification  Teacher consequence Administrative detention (1-2)	Teacher Choice
<b>Level 3 / 3rd Offense:</b>	Mandatory parent notification  Administrative detention (1-3) Saturday detention (1-2) In-school suspension	Administrative Choice
<b>Level 4 / 4th &amp;</b>	Administrative parent meeting	
<b>Subsequent Offenses:</b>	Saturday detention (2-3) In-school suspension (2-3) Out-of-school suspension (1-5) Superintendent Hearing Parent/Guardian Agreement Police notification as warranted	Administrative Choice Administrative Choice

<sup>1</sup> Where choice is available among options, the teacher or administrator may choose one penalty or a combination of penalties, depending upon the behavior at issue.

**Group A Offenses**

Discipline for misconduct falling within Group A offense categories will generally fall within the disciplinary progression set forth above. However, multiple or persistent offenses in a short period of time may necessitate immediate progression to Level 4. ***Some misconduct will be subject to mandatory minimum suspension periods as set forth under Section E.***

- Disruptive behavior in class or elsewhere
- Inappropriate language/gestures
- Unauthorized use of any electronic device during class or other instructional activities.
- Class tardiness
- Class truancy
- Missing detention

- Leaving school grounds without permission
- Insubordination or disrespectfulness to staff
- Parking/driving violations  
*(In all cases, parking privileges may be suspended or permanently removed. In addition, a student's car may be towed or secured with a security "boot")*
- Computer/electronic communications misuse
- Public displays of affection

### **Group B Offenses**

Group B Offenses generally involve conduct which is egregious, violent and/or endangers the health, safety and welfare of the student or others. Discipline for misconduct falling within these categories will generally start at Level 4. *Some misconduct will be subject to mandatory minimum suspension periods as set forth under Section E.*

- Committing or instigating an act of violence (such as hitting, kicking, punching, biting, and scratching)
- Weapons possession or use
- Inappropriate physical contact
- Vandalism/destruction or defacement of school property
- Smoking
- Threats/intimidation/harassment/discrimination/hazing
- Defamation
- Drug/alcohol (all forms)/illegal substances violations
- Theft
- Providing false information
- Gambling
- Bomb threats
- Arson
- Academic misconduct
- Possession, sale or transmission of inappropriate materials

Administrators will take into account mitigating or extenuating circumstances when considering disciplinary consequences. While we expect appropriate conduct from all students, naturally the expectations we have of our youngest students will differ somewhat from those at the middle and high school level. For this reason, the elementary schools have developed age-appropriate consequences for the students in their schools which are based upon the student responsibilities listed in this Code.

## **E. Minimum Periods of Suspension**

### **1. Students who bring and/or possess a weapon on school property at any time.**

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

- the student's age

- the student’s grade in school
- the student’s prior disciplinary record
- the Superintendent’s belief that other forms of discipline may be more effective
- input from parents/guardians, teachers and/or others
- other extenuating circumstances

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

**2. Students who commit violent acts other than bringing or possessing a weapon at school**

Except as provided in Article IX, any student, other than a student with a disability, who is found to have committed a violent act, other than bringing or possessing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student’s parents/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student’s parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, 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/guardian 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/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **F. Student Discipline Appeal Process**

The parent or person in parental relation must appeal in writing to the School District and the request to appeal must include a brief statement indicating the basis for the challenge. Except as directed by the Superintendent, the filing of an appeal will not in any way delay or stay the enforcement of the indicated disciplinary action.

### *Suspension Five Days and Under*

A parent or person in parental relation, has the right to appeal to the Superintendent, the decision of the Building Principal to suspend a student from school. The appeal must be submitted in writing to the Superintendent's Office no later than five days following the delivery of the decision to the parent. The written appeal must include the basis for the challenge.

The Superintendent will review the parent's written appeal, the Building Principal's written statement, the suspension letter, and the student's educational record. After which, the Superintendent may request additional information, or render a decision. The Superintendent has the authority to expunge the suspension from the student's disciplinary record, to increase the suspension period for up to no longer than a total suspension period of five days, recommend a Superintendent's Hearing for consideration of a long-term suspension, or condition the student's early return on the student's voluntary participation in counseling or specialized classes including anger management, dispute resolution, or substance use or abuse, where applicable. The Superintendent will render a decision as soon as practicable. The parent or person in parental relation and student will be notified in writing of the decision being rendered within five school days.

### *Suspension Over Five Days*

A parent or person in parental relation has the right to appeal the decision of the Superintendent to suspend a student from school, to the Board of Education. The appeal must be submitted in writing to the Assistant District Clerk no later than ten days following the delivery of the decision to the parent. The written appeal must include the basis for the challenge. The appeal will be limited to the record from the hearing. No new evidence or information will be considered by the Board during the appeal process.

The Board of Education will review the parent's written appeal, the Superintendent's written statement, and the complete evidentiary record in Executive Session at its next regularly scheduled board meeting held as soon as practicable following receipt of the written appeal. Prior to the Board's review, Board members will receive copies of the audio recording of the hearing and any video evidence, together with copies of all written materials and evidence considered by the hearing officer. The decision of the Board of Education will be based on careful review of the evidentiary record, including a full review during an executive session.

Upon review of the above outlined documentation, the Board of Education may request additional information or render a decision. Unless a majority vote of the Board authorizes attendance by a specific party(ies), the Superintendent or other school personnel and parents will be excluded from attending while during the Board's review of the appeal. The Board will render its decision as soon as practicable. The Assistant District Clerk will notify the parents and student of the decision in writing, within five school days of a rendered decision.

The parent or personal in parental relation has the right to appeal the determination of the Board of Education to the Commissioner of Education within thirty days of the date of the appeal outcome determination letter from the Board President. Further information regarding this procedure may be obtained at [www.counsel.nysed.gov](http://www.counsel.nysed.gov).

## **G. Referrals**

It shall be the right of the District to recommend the following actions where appropriate.

1. Counseling
2. PINS Petitions:

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

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

*See Section XIII Student Searches, Interrogations and Alcosensor Testing for regulations regarding CPS Investigations*

3. Juvenile Delinquents and Juvenile Offenders:
  - a. The Superintendent is required to refer the following students to County Attorney for a juvenile delinquency proceeding before the Family Court:
  - b. any student under the age of sixteen who is found to have brought a weapon to school, or
  - c. any student fourteen or fifteen years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42)

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

## **X. Alternative Instruction**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student. The classroom teacher will provide necessary instructional materials.

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

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

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

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

1. For purposes of this section of the Code of Conduct, the following definitions apply:
  - A “suspension” means a suspension pursuant to Education Law § 3214(3)(a) through (d);
  - A “removal” means a removal of the student with a disability 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 interim alternative educational setting or IAES is a temporary educational placement for up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP. The student will also receive, as appropriate, services and modifications that are designed to address the behavior violation so that it does not recur.
2. District personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a The Board, the BOCES Superintendent, the District Superintendent of Schools, or a Building Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - “Weapon” means the same as “dangerous weapon” under N.Y.C.R.R. 100.2 which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”
    - “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 Code of Conduct.
    - “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or a substance that is legally possessed or used under the authority of the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

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

1. Disciplinary changes in placement mean a suspension or removal from a student’s current educational placement that are either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each

suspension or removal, the reason for the suspension, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. District personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action immediately, if possible, but in no case later than 10 school days after the suspension hearing 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.
2. The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 of the Education Law 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 or suspects that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge

pursuant to federal and state law and regulation, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability prior to disciplining the student.
- b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either.
  - conducted an individual evaluation and determined that the student is not a student with a disability, or
  - determined that an evaluation was not necessary and provided notice to the parents/guardians of such determination, in the manner required by applicable law and regulations.
- c. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who 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.

3. The District shall provide parents/guardians 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.
4. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. The parents/guardians 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/guardians of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be separated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code. If there is a determination of guilt, the Manifestation Determination Team will convene to conduct a manifestation determination review of the relationship between the student's disability and the

behavior. If a manifestation is not found, the Superintendent hearing proceeds into the penalty phase.

7. 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 District 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 Manifestation Determination Team has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

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

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

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

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

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

## **XII. Corporal Punishment**

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

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

- protect oneself, another student, teacher or any person from physical injury;
- protect the property of the school or others in the event the child's actions could result in injury to himself/herself or others;
- restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to comply with a request to refrain from further disruptive acts.

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

## **XIII. Student Searches, Interrogations and Alcosensor Testing**

### **Procedures**

Pursuant to Board of Education policy #7330, pupils may be subject to personal searches and searches of their possessions where reasonable suspicion exists to conduct such search.

The Superintendent and the Building Principal and his/her designee are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

### **Strip Searches**

Strip searches are intrusive in nature and are not permissible. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If school authorities believe there is an emergency situation that could threaten the safety of others, the student shall, to the extent practicable, be isolated and secured. Police and parents/guardians will be contacted immediately.

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

Lockers, desks, electronic files and other school storage are provided by the school for student use. 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, desk, computer files and other school storage may be subject to search at any time, without prior notice to students and without their consent.

### **Vehicles**

Student use of a motor vehicle on school property is a privilege. Motor vehicles driven onto school property by students are subject to search by school officials without notice or consent, if the school official reasonably suspects that the student or his/her passenger has engaged in activity which is in violation of school rules and/or is illegal, or that the contents of the motor vehicle may present a threat or potential threat to the health, safety, or welfare of students, staff, or the school in general.

### **Cell Phones, Pagers, and Other Personal Electronic Signaling Devices**

Student cell phones, pagers, and other personal electronic signaling devices, and their contents, including, but not limited to, text messages, video/picture messages, and digital photos, may be searched by school officials who have a reasonable suspicion that the search will provide evidence that a student has violated either the law or a school rule.

## **Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contact in unusual circumstances, but that is not required.

## **Protocol to Administering an Alcosensor Test (Breathalyzer) to a Student**

Whenever there is reasonable cause to suspect (reasonable suspicion) that a student is violating the Code of Conduct provisions addressing alcohol (all forms) (possessing, consuming, selling, distributing or exchanging alcoholic substances or being under the influence of an alcoholic substance), the student shall be administered an alcosensor (breathalyzer or similar device) test unless the student unequivocally admits to being in violation of the Code of Conduct with respect to alcoholic substances and signs a written statement of admission if requested and physically able to do so. In determining whether or not reasonable suspicion exists of a Code of Conduct violation with respect to alcoholic substances, the facts and circumstances of each case shall be taken into account. Conduct such as slurring of words, staggering, stumbling, unusual difficulty with coordination, smelling like alcohol (whether from the student's breath or clothing or items in the possession of the student or under the control of the student or which have been brought to the school or school property or function or event by the student) are normally factors giving rise to a reasonable suspicion of a violation of the Code of Conduct with respect to alcohol. When reasonable suspicion exists, neither the consent of the student nor of the student's parent(s)/guardian(s) is required. Administration of the test shall be conducted in a reasonably private space or place by a District employee trained in administering the test. The results of the test will be provided to the student to whom the test has been administered but not to any other student or individual accompanying the student (except to the parent(s)/guardian(s) of the student if the parent(s)/guardian(s) are accompanying the student). The disclosure of the results shall, to the extent practicable, be revealed in a reasonably private space or place so as to limit, to the extent practicable, the possibility of being overheard by other students (or peers accompanying the student). The results will be provided to the student's parent(s)/guardian(s) as soon as is reasonably practicable. Nothing in this protocol, however, prohibits or discourages the disclosure of the test results to any District administrator, teacher, chaperone or other adult who has any supervisory or protective responsibility for the student at the time or who otherwise has a legitimate educational interest in learning of the test results or to any emergency responder for the purpose of assessment, triage or emergency treatment. One or both parents/guardians of the student shall be called upon the student either admitting to being in violation of the Code of Conduct provisions concerning alcoholic substances or the obtaining of a test result indicating any consumption of alcohol or being under the influence of alcohol to any extent. The parent(s)/guardian(s) shall be requested to come to the location and remove the student from the school or function or the event location. Alcosensor testing shall not be required of a student for entry into a school building or school property or school function or event unless there is reasonable suspicion of a violation of the Code of Conduct concerning alcohol. Students may, however, be required to sign a statement in order to gain entry into special events such as a prom or other dance or special event stating the following:

“I understand that the Churchville-Chili Central School District Code of Conduct applies at the \_\_\_\_\_  
(insert name of the event, such as prom or other dance or other special event) and that the Code of Conduct prohibits possessing, consuming, selling, distributing or exchanging alcoholic substances (including powdered alcohol, low-alcohol beverages and non-alcoholic beers) or being under the influence of an alcoholic or illegal substance, and I commit to complying with that rule. I understand that actions taken off school property premises, such as consuming alcoholic or illegal substances before coming onto school property or to a school function or event, can result in a violation of the Code of Conduct for being under the influence of an alcoholic or illegal substance.”

When there is a reasonable suspicion to suspect that a student is in violation of the Code of Conduct with respect to the prohibitions concerning alcoholic and illegal substances and the student refuses to undergo alcosensor testing or refuses to reasonably cooperate with the testing, the student may be found to be in violation of the Code of Conduct for engaging in conduct that is insubordinate. In no event shall the District administer a blood test or urine test for detection of alcoholic or illegal substances.

### **Control and Disposition of Items Found in a Search**

The Building Administrator or the Building Administrator’s designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Building Administrator or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Building Administrator or his or her designee shall be responsible for personally delivering dangerous or illegal items to the police authorities.

### **Searches and Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. The Building Administrator or designee will be present during any police questioning or search of a student on school property or at a school function.

### **Regulation Pertaining to Child Protective Services' Investigations**

Child Protective Services may ask to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The following guidelines apply to all such interviews:

1. All requests by Child Protective Services to interview a student of the District on school property shall be made directly to the Principal or his/her designee.
2. The Building Principal may allow a Department of Social Services Child Protective Services employee to interview, in school, any student concerning whom a report of suspected abuse or maltreatment has been made, regardless of the source of the report.

The Building Principal may grant authority to conduct such interviews without first notifying the parent/guardian or obtaining parental permission. A school official should be present during the interview unless it is decided that the presence of the school official is not essential to protect the interests of the student and that the Department of Social Services worker's job can best be accomplished by conducting the interview without the school official present.

3. Any such interview conducted by the Child Protective Services shall be made in the presence of the Principal or, in the event that the Principal cannot be present, in the presence of a staff person designated by the Principal for that purpose.
4. This policy shall apply to all interviews requested by the Department of Health and Human Services, Child Protective Services, as it pertains to that agency's investigations involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect and custody investigations.
5. This regulation is for the protection and benefit of the students of the District and every reasonable effort shall be made to accommodate the request of the Department of Health and Human Services, Child Protective Services, as it relates to the aforementioned investigations.

## **XIV. Visitors to the Schools**

To promote effective communication between the citizens of the community and the School System, the Board encourages parents/guardians and other District citizens to visit the District's schools and classrooms periodically during the course of the school year. The Board views these visits as constructive; however, no such visit will be permitted to interfere with the educational process.

Parents who desire to visit their child's classroom must have prior approval from the building principal. The building principal may deny requests to visit if he or she determines the purpose of the visit is inappropriate, disruptive or interferes with staff or student supervision.

Student visitors from other schools, unless they have a specific reason and prior approval of the Superintendent of Schools or his or her designee, are not permitted to enter school buildings. Recent graduate of the Churchville-Chili Central School District must have prior permission from the building principal and teacher of each classroom they wish to visit. New students accompanied by their parents and escorted by a Churchville-Chili staff member are always welcome.

Visits to school buildings are to be in accordance with Board policy and this Code of Conduct. A violation of the visitation policy and/or the Code of Conduct will be prosecuted pursuant to New York State law.

All visitors are required to report to the main office upon arrival at school and state their business. Visitations to classrooms for any purpose require permission in advance from the building principal.

### **Electronic Visitor Management System**

The District utilizes an electronic visitor management system (EVMS) in order to ensure the safety and welfare of its students, staff, and guests. When any visitor, including parents and volunteers, wishes to enter any school building during school hours, he or she must present a valid state or government issued photo ID, such as a valid driver's license. Prior to entry permission, the EVMS will check visitors against known sexual offender databases. After scanning the visitor's ID, the EVMS will print a visitor's badge that must be worn throughout the duration of the visit. Visitors should return this badge at the end of their visit so that they may be checked out of the building in a timely fashion. Visitors who refuse to produce IDs or fail the check of sexual offender databases, may be asked either to wait in the school building lobby or to leave school premises.

## **XV. Public Conduct at School Functions on or off School Property**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, parents/guardians, District personnel.

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

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

### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;
2. intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on School property, including graffiti or arson;
3. disrupt the orderly conduct of classes, school programs or other school activities;
4. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. intimidate, harass or discriminate against any person on the basis of a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, age, gender or sex;
6. enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. obstruct the free movement of any person in any place to which this code applies;
8. violate the traffic laws, parking regulations or other restrictions on vehicles;
9. possess, consume, sell, distribute or exchange alcoholic substances (including powdered alcohol), controlled or illegal substances or related paraphernalia, or be under the influence of either an alcoholic or illegal substance on school property or at a school function. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, heroin, amphetamines, steroids, look-alike drugs, synthetic marijuana and all substances that produce a marijuana-like high including

herbal incense and bath salts, and any substances commonly referred to as “designer drugs.”;

10. smoke cigarettes, cigars, e-cigarettes, vaporizers or use other forms of tobacco;
11. possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District;
12. loiter on or about school property;
13. gamble on school property or at school functions;
14. refuse to comply with any reasonable order of identifiable school District officials performing their duties;
15. willfully incite others to commit any of the acts prohibited by this code;
16. violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

## **B. Penalties**

Persons who violate this code shall be subject to penalties.

1. **Visitors:** their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. **Students:** they shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. **Tenured faculty members:** they shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75:** they shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. **Staff members other than those described in subdivisions 3 and 4:** they shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The Building Principal and his or her designee shall be responsible for enforcing the conduct required by this Code.

When the Building Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of

injury to persons or property, the Principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

In accordance with the Dignity for All Students Act ("DASA") the District will take necessary steps to address matters related to discrimination and/or harassment of students. Should you have questions/concerns related to suspected discrimination and/or harassment of students or wish to make a report, please contact the respective principal who serves as the Dignity Act Coordinator for that building.

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

## **XVI. Publication, Distribution, and Review**

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

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

1. providing copies of a summary of the Code to all students at the beginning of each school year and posting the full Code of Conduct on the district website;
2. making copies of the Code available to all parents/guardians at the beginning of the school year;
3. mailing a summary of the Code of Conduct written in plain language to all parents/guardians of District students before the beginning of the school year and making this summary available later upon request;
4. providing all current District personnel with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption;
5. providing all new employees with a copy of the current Code of Conduct when they are first hired;
6. making copies of the Code available for review by students, parents/guardians and other community members.

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

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

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

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

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

# APPENDIX A

## Procedures for Electronic Device Use

### Use of Electronic Devices during Instruction

1. **Red**—all personal devices turned off and put away; only the teacher may direct specific use of technology (district provided)
2. **Yellow**—all personal devices are silenced; upon direction by the classroom teacher, may be used during specific limited activities
3. **Green**—personal electronic devices may be used for learning during classroom instruction. This use is based upon instructional lessons prepared by the teacher based upon district curriculum. Some examples may include: blogging regarding reading a text on a teacher approved blog site; researching information given a particular curricular area for a class project or assignment; reading an e-book; using Google docs to create a group created document; etc.

### Churchville-Chili Central School District Electronic Device Expectations for Students



#### **Red Room**

All personal devices turned off and put away; tech tools provided by instructor only

#### **Yellow Room**

All personal devices silenced unless directed by teacher; other tech tools available

#### **Green Room**

Personal electronic devices are OK for use by students in learning during instruction