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# **Code of Conduct 2024-2025**

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# **I. INTRODUCTION**

## **DISTRICT MISSION STATEMENT**

### **Explore-Enrich-Empower**

The Canandaigua City School District is dedicated to creating enriched, world-class educational experiences that engage all learners, foster meaningful exploration, and empower our school community to have their voices heard.

## **DISTRICT VISION STATEMENT**

### **One Community, Transforming Lives**

The Canandaigua City School District believes in building a community rooted in inclusion and love, where everyone recognizes the active role they play in educating our children and helping them find a sense of purpose in life.

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

The District has a long-standing set of expectations for conduct on school property, at school functions, and with District computer systems. These expectations are based on the principles:

Respect leads to Civility  
Responsibility leads to Accountability  
Honesty leads to Integrity  
Kindness leads to Compassion  
Healthy Choices lead to Healthy Living  
Effort leads to Perseverance

Acceptance, as it relates to diversity, is also an important District focus.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, at school functions, and with District resources, identify potential consequences of unacceptable conduct, and ensure that discipline, when necessary, is administered promptly and fairly. Therefore, the Board adopts this Code of Conduct (“Code”). This Code has been developed in collaboration with teachers, Administrators, other school service professionals, students, parents, and community members, and reviewed by a small group of staff and administrators.

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

## DEFINITIONS

For purposes of this Code, the following definitions apply:

**“Behavior”** is the way in which one acts or conducts oneself, especially toward others. It is expected that students, staff, and visitors will conduct themselves in such a way that is in line with this Code of Conduct.

**“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.

**“Disruptive student”** means a student under the age of 21 who is substantially disruptive to the educational process or substantially interferes with the teacher’s authority over the classroom.

**“District resources”** means the District’s computer systems and networks, any configuration of hardware, operating system software, application software, stored text, and data files. Examples include electronic mail, local databases, externally accessed resources (such as the Internet), DVD, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.

**“Gender”** means actual or perceived sex and shall include a person’s gender identity or expression.

**“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

**“Gender identity”** a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Everyone has a gender identity.

**“Gender nonconforming”** is a term used to describe people whose gender expression differs from stereotypic expectations. The terms “gender variant” or “gender atypical” are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

**“Illicit drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act of any other federal law.

**“Parent”** means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

**“Relationships”** are the way in which two or more people regard and behave toward each other.

**“Respect”** is an act of treating everyone with dignity. This is demonstrated by: treating others with kindness and care, being polite and using manners, expressing thoughts and opinions in ways that are polite and courteous, using a polite tone of voice and body language, listening to others who are speaking to you, keeping one’s hands to one’s self and not violating others’ personal space.

**“Responsibility”** is an obligation to behave in accordance with social norms and being held accountable for one’s actions.

**“Restorative Practices”** are a response to student actions that violate the dignity, safety, or well-being of others by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationships between parties.

**“School property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in Vehicle and Traffic Law § 142. School buses, whether owned and operated by the District or by a carrier the District contracts with for transportation of its students, are considered school property.

**“School function”** means any school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state or country.

**“Sexual orientation”** a person’s emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics

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

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function.
3. Possesses, while on school property or at a school function, a weapon such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys District property.

**“Weapon”** means a firearm as defined in 18 USC § 921(a) for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death, and any other instrument identified in the New York Penal Code as a weapon. In addition, this Code further prohibits the possession or display of any toy, facsimile or replica of a weapon.

## **II. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights**

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

1. Take part in all District activities on an equal basis regardless of actual or perceived, race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, gender identity, gender expression, sexual orientation or disability or socio-economic status.
2. Be respected as an individual and treated fairly and with dignity by other students and school staff.
3. Express one's opinions, either verbally or in writing, as long as it is done so in a respectful manner.
4. Present their version of the relevant events to school personnel authorized to impose consequences.
5. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
6. Be provided with clear expectations regarding:
  - a. Course objectives, requirements and state standards;
  - b. Grading criteria and procedures;
  - c. Assignment requirements and deadlines; and
  - d. School and classroom rules and expectations regarding behavior.

### **B. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Help make school a community free of violence, intimidation, bullying, harassment, and discrimination.
3. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
4. Attend school every day unless they are legally excused and be in class on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
7. Use a polite tone of voice and appropriate body language, listening when others are speaking to you.
8. Be truthful when speaking with school officials regarding Code of Conduct violations.
9. Respect personal space.
10. Work to develop skills to manage their emotions and reactions and resolve conflict with others.

11. Ask questions when they do not understand.
12. Seek help in solving problems.
13. Dress appropriately for school and school functions.
14. Accept responsibility for their actions.
15. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### **III. ESSENTIAL PARTNERS**

All members of our learning community – including students, staff, parents and engaged service providers – must assume responsible role in promoting behavior that enhances academic and social success. Courteous, respectful, and responsible behavior fosters a positive climate in the learning community.

Those responsibilities include but are not limited to the following:

#### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents, the students, and the school community.
2. Send their child(ren) to school ready to participate and learn.
3. Ensure their child(ren) attend school regularly and on time.
4. Ensure absences are excused and properly documented.
5. Insist their child(ren) be dressed and groomed in a manner consistent with the student dress code. *See* Section VII “Student Dress Code.”
6. Help their child(ren) understand that in a democratic society, appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their child(ren) understand them so that their child(ren) can help create a safe, orderly, respectful, supportive environment.
8. Build good relationships with teachers, other parents, and their child(ren)’s friends.
9. Convey to their children a supportive attitude toward education and the district.
10. Help their child(ren) deal effectively with peer relationships and peer pressure.
11. Inform District officials of changes in the home situation that may affect student conduct or performance.
12. Tell school officials about any concerns or complaints in a respectful and timely manner.
13. Provide a place for study and ensure homework assignments are completed.
14. Be respectful and courteous to staff, other parents/guardians and students while on school premises.
15. Teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex which will strengthen the child’s confidence and promote learning in accordance with the Dignity for All Students Act.



## **B. Teachers**

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression) or sex, which will strengthen students' self-worth and promote confidence to learn.
2. Be prepared to teach.
3. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination and harassment, supporting effective teaching and learning.
4. Deliver instruction effectively.
5. Demonstrate interest in teaching and concern for students and student achievement.
6. Know District policies and rules, and enforce them in a fair, timely, and consistent manner.
7. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Grading procedures
  - c. Assignment deadlines for students
  - d. Student expectations
  - e. Classroom behavior and consequences plan
8. Communicate regularly with students, parents, and other teachers concerning growth and achievement.
9. Be responsive to parent and student communications.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
11. Be responsible for enforcing this Code of Conduct and making any timely notifications as required by this Code of Conduct.
12. Address issues of harassment or any situation that threatens the emotional or physical health of safety of any student, school employee or any person who is lawfully on school property or at a school function.
13. Address personal biases that may prevent equal treatment of all students and staff in the school or classroom setting.
14. Maintain confidentiality in conformity with federal and state law.
15. Be open to active participation in resolving conflicts through a restorative process.

## **C. Other School Personnel**

All school personnel are expected to:

1. Recognize that the education of student(s) is a joint responsibility of the parents, the students, and the school community.
2. Maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious

- practice, disability, sexual orientation, gender (including gender identity and expression) or sex.
3. Assist students in coping with emerging personal, social, and emotional issues and concerns.
  4. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination and harassment, supporting effective teaching and learning.
  5. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary.
  6. Regularly review with students their educational progress and career plans.
  7. Provide information to assist students with educational and career planning.
  8. Encourage students to benefit from the curriculum and extra-curricular programs offered by the District and available within the community.
  9. Make known to students and families the resources in the community that are available to meet their needs.
  10. Participate in school-wide efforts to provide adequate supervision in all school spaces.
  11. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  12. Know school rules and help student(s) understand them.
  13. Be responsible for enforcing this Code of Conduct and making any timely notifications as required by this Code of Conduct.
  14. Maintain confidentiality in accordance with federal and state law.
  15. Address personal biases that may prevent equal treatment of all students and staff.
  16. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  17. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
  18. Be open to active participation in resolving conflicts through a restorative process.

**D. Building Administrators**

All administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, (including gender identity and expression) or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.

6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Promote a trauma-responsive approach to addressing student behavior by supporting professional development, providing safe work environments, forming trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
12. Be open to active participation in resolving conflicts through a restorative process.

**E. Athletic Coaches and Co-Curricular Advisors**

All coaches and advisors are expected to:

1. Maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Develop and maintain a climate of mutual respect, which will strengthen students' self-esteem and promote confidence to play and learn.
3. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination and harassment, supporting effective teaching and learning.
4. Emphasize the proper ideals of sportsmanship, ethical conduct and fair play.
5. Stress values developed from participating with integrity and high character.
6. Know school rules and assist in their enforcement.
7. Help students to understand school rules.
8. Recognize that the purpose of athletics and extracurricular activities is to promote the educational, physical, mental, social, and emotional well-being of the individual players.
9. Encourage leadership, use of initiative, and good judgment by all participants.
10. Address and report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator.
11. Maintain confidentiality in accordance with federal and state law.
12. Address personal biases that may prevent equal treatment of all students and staff.

## **F. District Superintendent**

The Superintendent is expected to:

1. Maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-esteem and promote confidence to learn.
2. Make student achievement and character development the primary focus of the District.
3. Promote a safe, orderly, and stimulating school environment, free from intimidation, discrimination and harassment, supporting effective teaching and learning.
4. Review with administrators the policies of the Board and local, state, and federal laws relating to school operations and management.
5. Inform the Board of educational trends relating to student discipline.
6. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
7. Work with administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.
8. Maintain confidentiality in accordance with FERPA.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

## **G. Board of Education**

The Board is expected to:

1. Collaborate with student, teacher, administrators, and parent organizations, community, school safety personnel, and other school personnel to develop a Code that clearly defines expectations for the conduct of students, District personnel, and visitors on school property and at school functions.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
3. Adopt and review at least once per year the District's Code to evaluate its effectiveness, fairness, and consistency of its implementation.
4. Lead by example by conducting Board meetings and Board business in a respectful, responsible, caring, and honest manner.
5. Appoint a Dignity Act Coordinator.
6. Maintain confidentiality in accordance with federal and state law.
7. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
8. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.

9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. The Board will promote a trauma-informed approach to addressing student behavior by supporting professional development, providing a safe school environment, encouraging the forming of trusting relationships with students, allowing for student choice and autonomy, and encouraging student skill-building and competence.
12. Be open to active participation in resolving conflicts through a restorative process.

#### **IV. DECLARED PANDEMIC**

The health and safety of the children and adults in our schools is paramount. Health and safety considerations must always come first. The Canandaigua City School District will follow the guidance provided by the Center for Disease Control and Prevention, New York State Department of Health, Ontario County Public Health, and our School Physician regarding safety protocols related to a declared pandemic.

#### **V. DIGNITY FOR ALL STUDENTS ACT**

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

To this end, the Board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting, intimidation, against students by students and or employees on school property, which includes (among other things) school buses, at school functions, which means school sponsored, extracurricular events or activities. Harassment can include, among other things, the use, both on and off school property, of information technology, including, but not limited to, e-mail, instant or text messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

##### **A. Definitions:**

1. **Harassment:** Harassment is defined as 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
  - disability

- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression)

2. Bullying: Bullying is defined as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, during or on the internet. Bullying generally involves the following characteristics:

- a. An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others.
- b. The Intent to Cause Harm: The person bullying has a goal of causing harm.
- c. Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include, but are not limited to:

- a. Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
- b. Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- c. Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.
- d. Cyber: harassment or bullying happens through any form of electronic communication.

3. Hazing: Hazing is defined as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Please refer to the Dignity for All Students Act Coordinators:  
 is our District DASA coordinator. Building DASA coordinators are:  
 Mrs. Michelle Reynolds for our primary school  
 Mrs. Lindsay Lazenby for our elementary school  
 for our middle school  
 Mr. Eric Jordan for our high school

## **VI. PROHIBITED STUDENT CONDUCT**

The Board expects 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 with the goal of making school a community free of violence, intimidation, bullying, harassment, and discrimination. The District may discipline a student whose actions were unintentional yet violate the Code of Conduct.

Typically, progressive discipline will be utilized starting with a low level of discipline and progressing to suspension from school for various periods of time. However, the severity of misbehavior and the student's total disciplinary record will impact any decision regarding discipline.

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 mistakes. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may learn from their behavior and grow in self-discipline.

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

The District has the right to discipline student misconduct on school property, at school functions or off-campus if such conduct impacts the school environment.

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

- A. **Engage in conduct that is disorderly.** Examples of disorderly conduct include but are not limited to:
1. Running or otherwise unsafe behavior in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar, abusive or disrespectful.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Nor are they permitted in any classroom or any school room without a bona fide reason or the express permission of a teacher or administrator.
  7. Trespassing after hours. Students are not permitted in any school building after hours without permission from the administrator in charge of the building.

8. Misusing computer systems/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.

**B. Engage in conduct that deliberately goes against what a student has been asked to do or where they are supposed to be at any given time. This behavior is considered insubordinate.** Examples of this type of behavior include but are not limited to:

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

**C. Engage in conduct that prevents others from being able to learn, focus, or be engaged in their work. This behavior is considered disruptive.** Examples of this type of behavior include but are not limited to:

1. Continually impeding the teaching and learning environment.
2. Continually interfering with the teacher's authority over the classroom.
3. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
4. Inappropriate public sexual contact.
5. Display or use of personal electronic devices, such as, but not limited to cell phones, iPods, digital cameras, in a manner that is in violation of District policy 3320, or without the permission of a staff member.

**D. Engage in conduct that is violent.** Examples of this type of behavior include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator, or other school employee, another student or any other person lawfully on school property
2. Possessing a weapon as per the definition found in this Code. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
3. Displaying what appears to be a weapon as per this Code.
4. Threatening to use a weapon as per this Code.
5. Intentionally damaging or destroying the personal property of a teacher, administrator, student, other District employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying school property, including District computer systems and data.

**E. Engage in any conduct that endangers the safety, health, or welfare of others, or compromises the authority of school officials.** Examples of this type of behavior include but are not limited to:



1. Lying to school personnel.
2. Attempting to engage in or perform an act of violence noted in Section D.
3. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
4. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function, including data, equipment, and intellectual property.
5. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
6. Discrimination, which includes the use of race, color, creed, national origin, religion, gender (identity and expression), religious practices, sex, sexual orientation, weight, disability or socio-economic status as a basis for treating another in a negative manner.
7. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
8. Intimidation, which includes engaging in actions or statements that put an individual in fear of personal harm.
9. Cyber bullying, which includes but is not limited to the misuse of emails, instant messages, text messages, digital pictures or images, web postings (including blogs), social media, chat rooms, and/or similar technologies and/or forums to torment, threaten, harass, humiliate, or embarrass another individual.
10. Hazing, which includes any intentional or reckless action directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
11. Possessing, consuming, selling, distributing or exchanging obscene materials.
12. Using vulgar or abusive language, cursing or swearing.
13. Possessing, using, consuming, selling, distributed or exchanging tobacco products, including cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, vaporizers, JUULs, cloves, bidis and kreteks as well as matches and lighters.
14. Possessing, consuming, selling, distributing or exchanging alcoholic beverages. Note: Students suspected of being under the influence of alcohol may be subject to an Alco-Sensor assessment by trained staff members.
15. Possessing, consuming, selling, distributing or exchanging illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, ecstasy, synthetic cannabinoids, any substances commonly referred to as "designer drugs," which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption, such as bath salts. Note: students suspected of being under the influence of a substance may be subject to an assessment by DITEP (Drug Impairment Training for Educational Professionals) trained staff members.
16. Possessing, consuming, selling, distributing, exchanging or unauthorized use of prescription and over-the-counter drugs except as permitted under Board policy.

17. Gambling.
18. Indecent exposure (e.g., exposure to sight of the private parts of the body in a lewd or indecent manner).
19. Initiating a report warning of fire or other catastrophe without valid cause, pulling a fire alarm without valid cause, misuse of 911, or discharging a fire extinguisher.
20. Engaging in threatening or reckless behavior that serves to endanger the property or safety of others.
21. Use and/or display of electronic media (such as e-mail, text messages, messages sent through social media websites and other such messages) or use of any electronic device to capture picture and or video to knowingly transmit, retrieve, or store any communication (e.g. forwarded emails that contain jokes, pictures, promoting a violation of school rules, etc.) that are:
  - a. Discriminatory or harassing;
  - b. Derogatory to any individual or group;
  - c. Obscene, sexually explicit or pornographic;
  - d. Defamatory or threatening;
  - e. In violation of any license governing the use of software;
  - f. In violation of any other law or rule; or
  - g. Engaged in for any purpose that is illegal or contrary to this Code or District interests and/or reputation.
22. Inappropriate dancing. Dance styles must comply with standards of modesty, decency, and safety. Inappropriate dancing includes but is not limited to: slam or mosh dancing, freak dancing, dirty dancing, grinding/bumping, twerking or otherwise inappropriate or dangerous dancing.
23. Making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).

**F. Engage in misbehaviors otherwise prohibited by sections A-E of this section while on a school bus and to remain seated, keep objects and body parts inside the bus, obey the directions from the bus driver or monitor.**

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers, to avoid distracting the bus driver and to avoid distracting other drivers. Students are required to conduct themselves on the bus and at their bus stop in a manner consistent with established standards for classroom behavior and the Code of Conduct. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.

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

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

6. Accessing other users' email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
7. Artificial Intelligence (AI) Assisted Plagiarism.

**H. Engage in off-campus misbehavior that interferes with or can reasonably be expected to substantially disrupt the educational process in the school or a school function.** Such misbehavior includes, but isn't limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying.

**I. Engage in in any conduct that compromises the safety of others during a declared pandemic.**

The district will institute safety recommendations from the Center for Disease Control and Prevention, New York State Department of Health, Ontario County Public Health, and our School Physician.

## **VII. STUDENT DRESS CODE**

Student attire, regardless of gender, may foster creativity and individuality. It should contribute to an atmosphere of mutual respect supported by the District and should not be a distraction to the learning environment. Students and their parents have the initial responsibility for acceptable student dress and appearance, with the understanding that the District has the authority to make decisions on questionable dress in school. District personnel exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in a school setting.

All students must wear:

- Shirt/top adequately covering chest and the majority of the abdomen that provides coverage during movement;
- Bottoms not exposing buttocks;
- Clothing, footwear, appropriate for safe classroom participation.

Students cannot wear:

- Clothing which promotes or depicts drugs, alcohol, or sex;
- Attire including visuals / language which creates a hostile or intimidating environment;
- Visible undergarments (visible straps on undergarments worn under other clothing are acceptable);
- Shirts/tops without straps; (Tube tops require secondary coverage.)

Teachers may ask students to remove hats/hoods/coats in the classroom.

Students wearing anything deemed distracting, unsafe, or inappropriate for school will be asked to change or put something on over their clothes. If a student refuses to comply, it will be treated as insubordination.

## **VIII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT**

Because the district's goal is for making school a community free of violence, intimidation, bullying, harassment, and discrimination, all students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All district staff who are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary consequence if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate consequence.

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

The Principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## **IX. DISCIPLINARY PROCEDURES AND CONSEQUENCES**

Consequences, and if needed discipline, are most effective when they deal directly with the problem at the time and place it occurs, and in a way that is reasonable and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Consequences and disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary consequence, school personnel authorized to impose disciplinary consequences will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. However, district staff are empowered to utilize the consequence most reasonably calculated to ensure the student learns from their behavior and engages in more pro-social behavior in the future.

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 in a consistent fashion with the separate requirements of this Code for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

#### **A. Consequences**

Students who are found to have demonstrated inappropriate behavior may be subject to the following interventions and consequences, either alone or in combination with one another. The school personnel identified after each consequence are authorized to assign the consequences, consistent with the student's right to due process.

1. Verbal warning, teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privileges – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, Principal, Superintendent
4. Detention – teachers, Principal, Superintendent
5. Suspension from transportation – Director of Transportation, Principal, Superintendent
6. Suspension from athletic participation – coaches, Principal, Superintendent
7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Out-of-School Suspension – Principal, Superintendent
11. Removal from classroom by teacher – teachers, Principal
12. Short-term (five days or less) suspension from school – Principal, Superintendent, Board
13. Long-term (more than five days) suspension from school – Superintendent, Board
14. Permanent suspension from school – Superintendent, Board

The district may condition a student's suspension revocation or early return from suspension on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution. The district may also recommend counseling in circumstances where a student may benefit from such services, separate from any disciplinary proceeding.

#### **B. Procedures**

The amount of due process a student is entitled to before a consequence is imposed will depend on the type of consequence being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the consequence must let the student know what inappropriate behavior, and must investigate the facts surrounding the alleged misbehavior. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than a verbal warning, written warning or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional consequences are explained below.

### **1. Detention**

Teachers, Principals and the Superintendent may use after school detention as a consequence for student misbehavior in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as consequence only after the student's parent has been notified to confirm that there is no parental objection to the consequence and the student has appropriate transportation home following detention.

### **2. Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misbehavior to the Principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the Principal or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

### **3. Suspension from athletic participation, extra-curricular activities and other privileges**

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

### **4. In-school Suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." Students assigned to the ISS room will be under the direct supervision of school personnel.

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

## **5. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

Teachers will first use interventions aimed at teaching appropriate and responsible behaviors so students can learn and demonstrate safe and respectful academic, social and emotional behavior. Examples of these include using affective statements, using affective questions, establishing relationship with students, giving positive directives that state expectations, and giving positive and specific feedback etc.

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

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

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

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

The teacher must complete a 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 parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

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

The Principal may require the teacher who ordered the removal to attend the informal conference.

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

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

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

The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. 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.

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

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

## **6. Suspension from School**

Suspension from school is a severe consequence, which may be imposed only upon students who are severely insubordinate, disorderly, violent, or severely 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 Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

### **a. Short term (five days or less) Suspension from School**

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misbehavior 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 misbehavior the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

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

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

b. Long term (more than five days) Suspension from School

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **thirty (30)** days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The

Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent suspension

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

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in restorative conference, reentry circles, counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing. However, if the student violates the agreed-upon terms and conditions within a certain time period, the unserved portion of the suspension may be re-imposed

**C. Minimum Periods of Suspension**

**1. Students who bring or possess certain weapons on school property**

Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the following:

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

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

**2. Students who commit violent acts other than bringing or possessing certain weapons on school property**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, shall be subject to suspension

from school for at least five-days. If the proposed consequence 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 consequence exceeds five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence 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 consequence is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed consequence exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **D. Referrals**

### **1. Counseling**

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

### **2. PINS Petitions**

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

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.

- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

### **3. Juvenile Delinquents and Juvenile Offenders**

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the Superintendent is required to make the following referrals:

- a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:  
All students under age 16, except student age 14 or 15 who qualify for juvenile offender status under the Criminal Procedure Law 1.20(42).
- b. To the appropriate law enforcement authorities:  
All students age 16 or older, and all student age 14 or 15 who qualify for juvenile offender status under Criminal Procedure Law 1.20(42).

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any 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 less than 2½ inches long. A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however, this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas). The district may take other actions to assist students in managing their behavior, including referrals to or partnerships with community resources.

## **X. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from a 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 Board of Education expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

## **XI. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others.

The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### **A. Definitions**

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. Controlled substance means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. Disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in

- the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this code of conduct.
  7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
  8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
  9. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
  10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
  11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this code of conduct, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
  12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
  13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(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 a pocket knife with a blade of less than two and one-half inches in length.

## **B. Authority of School Personnel to Suspend or Remove Students with Disabilities**

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law 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.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misbehavior, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the Superintendent may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The Superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

**C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short-term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the Superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the Superintendent or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.



**D. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the Definitions section of this code of conduct, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

**E. Parental Notification of a Disciplinary Change of Placement**

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

**F. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

**G. Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

#### **H. Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this code of conduct and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities

services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement. In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.

#### **I. Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misbehaviors has the right to invoke any of the protections set forth in this code of conduct in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### **J. Expedited Due Process Hearings**

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
2. The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

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

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XII. ALCOHOL AND DRUG ASSESSMENT**

Student safety and wellbeing is of the utmost importance. Students possessing, consuming, selling, distributing or exchanging alcoholic and/or illegal substances, or being under the influence of either may be subject to an assessment by trained staff members.

1. Alco-Sensor
  - a. The Alco-Sensor is an instrument that may be utilized by trained Canandaigua City School District staff members to ensure the health and safety of all students. The Alco-Sensor is a pocket-sized breath alcohol tester that offers a method of determining approximate blood alcohol levels. Use of the Alco-Sensor is intended to support the district's Code of Conduct and District Safety Plan as required through the SAVE legislation. The use of the device will assist in enhancing the school environment and maintaining school discipline.
2. DITEP (Drug Impairment Training for Education Professionals)
  - a. The DITEP process is conducted by trained Canandaigua City School District staff members to identify potentially chemically impaired students for the purpose of ensuring a safe learning environment. Drugs may alter a student's perception or behavior thus reducing their ability to function appropriately at school. The process of identifying suspected impaired students is based on the totality of information gathered through systematic evaluation and is not based on any one element alone. In cases of medical emergencies, the DITEP evaluation will be discontinued and the school will call emergency services. The use of DITEP staff members is intended to support the District's Code of Conduct and Safety Plan as required through the SAVE legislation.
  - b. The protocol for utilizing DITEP trained staff members to evaluate a student is as follows:
    - i. The district may utilize DITEP trained staff members to evaluate a student when it has reasonable suspicion that a student may be under the influence of a drug. Any student who displays noticeable impairment (i.e. slurred speech, staggering, stumbling, bloodshot eyes, unusual difficulty with coordination, or smelling like a particular drug) will be escorted by appropriate school personnel to a private location.
    - ii. The student will be confronted by appropriate school personnel regarding his/her suspicious behaviors. The student will then participate in a drug and alcohol assessment by a certified DITEP staff person.
    - iii. The following are the possible outcomes of a DITEP Evaluation
      1. Return to class with follow up as needed

2. Remain in health office for Observation
  3. Refer to Administrator for follow up
  4. Home with parent/guardian
  5. Ambulance transport to Hospital
  6. Regardless of outcome, a parent/guardian will be contacted
- iv. If a child is sent home with parent/guardian, transported to hospital or refuses to participate in the assessment process, the parent /guardian will need to provide documentation from their health care provider for a safe return to school.

### **XIII. 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.

If possible, prior to a physical intervention with a student, a District employee trained in alternative procedures and/or de-escalation tactics (such as Therapeutic Crisis Intervention) will be contacted. In situations where, alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

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

### **XIV. STUDENT SEARCHES AND INTERROGATIONS**

The Board is committed to ensuring an atmosphere on school property, at school functions, and in District-sponsored activities/trips that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the District’s Code. Students are not entitled to any sort of “Miranda” type warning before being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. Students do have the right to be told, upon request, why they are being questioned.

In addition, the Board authorizes the Superintendent, building Administrators, and other employees under the direct supervision of an Administrator to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District’s Code of Conduct. An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a back pack without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may further search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants.

Before searching a student or the student's belongings, the authorized school official should give the student the opportunity to admit that he/she possesses physical evidence that violates the law or the District's Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. The administrator will have a second school employee present at the search.

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

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

#### **B. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or District Policy, Use of Video and/or Audio Recording Devices in Classroom. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.

#### **C. Documentation of Searches**

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Basis of information leading to search.
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his/her title and position.

7. Witnesses to the search.
8. Time and location of search.
9. Results of search (that is, what item(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal/designee shall retain control of the items, unless the items are turned over to the police. The principal/designee shall be responsible for personally delivering dangerous or illegal items to police authorities. A student who refuses to cooperate with a search shall be deemed to be insubordinate and subject to appropriate penalties including suspension from school.

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

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

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

Police may question student witnesses to any incident without parental consent. Before police officials are permitted to question or search any student suspected of committing a crime, the principal/ designee shall first notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The principal/designee will also be present during any police questioning or search of a student on school property or at a school function. If the police officer determines there is enough evidence to arrest the student, that student may be removed from school premises by the police without parental consent.

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

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

#### **E. Child Protective Services Investigations**



Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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

## **XV. VISITORS AND VOLUNTEERS TO THE SCHOOLS**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community can visit or volunteer in the classroom. Since schools are a place of work and learning, however, certain limits must be set. The Principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following expectations apply to visitors and volunteers to the schools:

- A.** A one-time visitor to the school must receive permission from the building principal in advance of the visit. The visitor must report to the receptionist at the entrance upon arrival at the school. Upon signing in, photographic proof of identification will be required. In addition, a visitor's identification badge will be issued and must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the receptionist before leaving the building. The District reserves the right to limit access to our facilities based on security and safety reasons.
  - Examples of a one-time visitor to the school include but are not limited to a classroom celebration such as a birthday or lunch with their student.
- B.** A one-time volunteer to the school must receive permission from the building principal in advance of the visit and complete a school volunteer form available from the main office. The volunteer will need to follow the same procedures outlined above for a one-time visitor.
  - Examples of a one-time volunteer to the school include but are not limited to participating in classroom interviews, a guest speaker to a class, a field trip chaperone. Some of these might require Board of Education approval. Please check with the building principal in

advance.

- C. A routine or multiple time volunteer must receive permission from the building principal and Board of Education in addition to completing the volunteer form in advance of volunteering. If during the school day, the volunteer must follow the same procedures to enter the building outlined above.
- Examples of routine or multiple time volunteer include but are not limited to mentor for robotics or the foster grandparent program.

Note: These three categories do not include any visitor or volunteer that might require a professional services agreement with the district.

## **XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY**

**The District** is committed to providing a welcoming, engaging, respectful, orderly environment that is conducive to learning. The district invites the members of the public to join them in the educational process, competitive and artistic events, and other school functions. In order to maintain this kind of an environment the public must also adhere to the expectations of the district. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The expectations for the public’s conduct on school property and at school functions are not intended to limit freedom of speech or peaceful assembly, but to support the conducive learning environment, and maintain order, and prevent infringement on 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 remove school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school ground or at school functions that are obscene, advocate illegal action, appear libelous, violate the rights of others, or are disruptive to the educational environment.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.

9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled substances, or synthetic versions thereof (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray 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 District.
11. Possessing, using, consuming, selling, distributed or exchanging tobacco products, including cigarettes, pipes, chewing tobacco, snuff, herbal tobacco products, simulated tobacco products that imitate or mimic tobacco products, e-cigarettes, vapes, cloves, bidis and kreteks as well as matches and lighters.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any lawful order of identifiable school 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. Consequences**

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be considered trespassing and subject to ejection.
2. Students: They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the “Penalties” section of this Code, in accordance with the due process of law requirements.
3. Tenured faculty members: They shall be subject to immediate ejection and 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 immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in actions not conducive to achieving the goal of making school a community free of violence intimidation, bullying, harassment, and discrimination , misconduct or otherwise not allowed behaviors, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the behavior is not allowed and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the undesired behaviors, or if the person's actions pose an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XVII. DISSEMINATION AND REVIEW**

### **A. Dissemination**

The Board will work to ensure community awareness of this Code by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct and other trainings to contribute to its success as needed. 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. On-going professional development will be included in the district's professional development plan, as needed.

### **B. Review**

The Board of Education will review this Code 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 administered fairly and consistently. The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code violations. The committee will comprise representatives of student, teacher, Administrator, and parent organizations, school safety personnel and other school personnel.

Before the Board reapproves any updates to the Code, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate. The Code and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

Adoption date: June 21, 2001

Revised: July 28, 2011

Revised: May 22, 2014

Revised: August 27, 2015

Revised: July 19, 2017

Revised: July 17, 2018

Revised: July 1, 2020

Revised: August 31, 2020

Revised: March 7, 2022

Revised: July 7, 2022