WEST CANADA VALLEY
Central School District
CODE OF CONDUCT



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Code of Conduct
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CODE OF CONDUCT

I. INTRODUCTION

The mission of West Canada Valley School District (the "District") is to prepare responsible, caring and productive citizens through an atmosphere in which all students can reach their fullest potential as life-long learners. This is possible through a cooperative effort.

The Board of Education (the "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/guardians and other visitors is essential to achieving this goal. The District believes discipline is the positive direction of behavior towards established standards of appropriate and acceptable conduct. School community and parents/guardians share the responsibility for helping students develop self-discipline toward the District's established standards of appropriate and acceptable conduct.

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

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

The Board recognizes it would be impossible to write a disciplinary policy in such detail as to anticipate every type of misconduct that could conceivably occur. As such, this code shall be used for all types of misconduct and the administration or Board shall use this code to administer all disciplinary consequences in a fair and equitable manner. Within this document are a number of rules which will serve as a basis for helping students make decisions and guide their behavior.

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

II. DEFINITIONS

For purposes of this code, the following definitions apply:

"**Disruptive student**" means an elementary or secondary student under the age of 21, or a student with a disability who is entitled to attend school pursuant to applicable state law to the age of 22, who is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom.

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

"**Disability**" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law. §11(4) and Executive Law §292(21)).

"**School bus**" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from

school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11(1) and Vehicle and Traffic Law §142).

"**School 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 and Education Law §11(1).

"**School function**" means any school-sponsored extracurricular event or activity on or off school property as defined in Education Law Section 11 (1).

"Violent student" means a student under the age of 21, or a student with a disability who is entitled to attend school pursuant to applicable state law to the age of 22, who:

1. Commits an act of violence upon a school employee, or attempts or conspires to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school District property. "Weapon" means a firearm as defined in 18 USC S921 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, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive and incendiary bomb or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

"**Sexual orientation**" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

"**Gender**" shall mean 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**" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"**Race**" includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

"**Protective hairstyles**" includes, but is not limited to, such hairstyles as braids, locks, and twists.

"**Harassment**" or bullying shall mean the creation of a hostile school environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law §11(8) that either has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, and/or physical well-being, or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm, or reasonably causes or would reasonably be expected to cause physical injury to a student or

to cause a student to fear for his or her physical safety; Such conduct includes acts of harassment and/or bullying that occur (1) on school property and/or (2) at a school function or (3) off school property where such acts of harassment and bullying create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but are not limited to: verbal threats, intimidation or abuse based upon a person's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"**Hostile environment**" in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

"**Emotional harm**" in the context of harassment and bullying refers to harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

"**Material incident of harassment, bullying and/or discrimination**" means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of "harassment" and/or "bullying" and is the subject of a written or oral complaint to the superintendent, principal or their designee or other school employee.

III. ESSENTIAL PARTNERS

A. Students

All Students Are Expected To:

Students have the RESPONSIBILITY to:	*Students have the RIGHT to:*
1. Safe and Respectful Environment: ● Maintain an orderly school environment that is conducive to learning. ● Show respect for school and personal property. ● Be respectful of others. ● Comply with all school procedures and guidelines. **2. Participation (Academic and Attendance)** ● Attend school on time daily (unless legally excused). ● Be prepared to learn. ● Work to the best of their ability in all academic and extracurricular activities and strive toward the highest level of achievement possible. ● Remain on the school campus during the school day. (Permission to leave must be given by a parent/guardian through the main office prior to leaving.) **3. Interpersonal Relationships**	**1. Safe and Respectful Environment:** ● Be afforded a sound and quality education in a school environment that is safe, orderly and promotes learning. **2. Participation (Academic and Attendance)** ● Organize, promote and participate in student activities and clubs as part of the formal education process or as authorized by administration. ● Provide representation on appropriate school-wide committees that influence the educational process as designated by school personnel. **3. Interpersonal Relationships:** ● Be respected as an individual, treated fairly and with dignity by other students and school staff. ● Be protected from intimidation, harassment or discrimination based on actual or perceived race, color, weight, national origin, ethnic group,

● Respect and treat others with tolerance and dignity regardless of actual or perceived race, color weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. ● Foster an environment that is free from intimidation, harassment or discrimination. ● Use communication that is not confrontational and is not obscene or defamatory. ● Help make school a community that is free from violence, intimidation, bullying, harassment and discrimination by reporting such acts. ● Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. **4. Behavior** ● Be familiar with and abide by all District/school policies, rules and regulations and accept responsibility for one's actions. ● Advocate for themselves, ask clarifying questions and seek assistance when needed to solve problems and or address concerns in a respectful manner. ● Be a positive school district representative at all school sponsored extracurricular events both on campus and at other schools and/or venues. This includes demonstrating high standards of conduct, demeanor and sportsmanship. ● Dress in appropriate attire during the school day and at all school related activities to prevent disrupting instruction and/or extracurricular activities. ● Be respectful and considerate in their relationships with other students. ● Exhibit self-control and remain reasonably quiet and non-disruptive in hallways, study areas, on school buses, school property and at school functions.	religion, religious practice, sex, gender, gender identity, sexual orientation or disability, by employees and students on school property or at any school-sponsored event, function or activity in accordance with the Dignity for All Students Act. ● Exercise freedom of inquiry and expression, written and oral, within appropriate limits under the law and provided that the rights of others are not diminished.

B. PARENTS/GUARDIANS

All Parents/Guardians Are Expected To:

Parents, guardians and caregivers have the RESPONSIBILITY to:	***Parents, guardians and caregivers have the RIGHT to:***
1. Safe and Respectful Environment: ● Talk with their children about behavioral expectations and socially acceptable standards of behavior and being accountable for their behavior. ● Teach their children to be respectful and courteous to staff, other parents/guardians, caregivers and students while on school premises or participating in school-related events. ● Know and understand the District rules and policies their children are expected to observe at school; be aware of the consequences for any violation of the rules, and accept legal responsibility for their children's actions. ● Instill in their children a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge. **2. Participation (Active Role)** ● Provide updated contact information to the Registration Office and their children's school. ● Inform the school of changes in the home environment that may affect student conduct or performance. ● Build good relationships with school personnel, other parents/guardians and children's friends. ● Become acquainted with their children's school, school staff, curriculum and activities. Attend school functions, parent/teacher conferences and monitor their children's grades and progress. ● Convey to their children a supportive attitude toward education and the District.	**1. Safe and Responsible Environment:** ● Be treated courteously, fairly and respectfully by all school staff. ● Receive notifications and information of inappropriate or disruptive legal behaviors by their children and disciplinary action. ● Receive information about due process procedures for disciplinary matters concerning their children. ● Be treated courteously, fairly and respectfully by all school staff. **2. Participation (Active Role):** ● Be actively involved in their children's education. ● Receive information about ways to improve their children's progress, including counseling, tutoring, after-school programs, academic programs and mental health services. ● Receive information about services for students with disabilities and English Language Learners. ● Receive communication in your home language. **3. Academic/Attendance:** ● Receive timely information about policies and procedures that relate to their children. ● Be contacted when their children are believed to have committed a crime or when police are called.

3. Academic/Attendance: ● Recognize that the education of their children is a joint responsibility of the parents/guardians and the school community. ● Make sure their children attend school regularly and on time, ready to learn and participate. ● Let school know when and why children are absent. ● Ensure children are dressed in a manner consistent with the student dress code. ● Ensure children are up-to-date with all physicals and vaccines and are in good health. ● Notify the district if their children are ill or in poor health. **4. Interpersonal Relationships:** ● Use communication that is not confrontational and is not obscene or defamatory, including all social media platforms. ● Respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination.	

C. Educators (Teachers, Principals, Related Support Professionals & All Staff) have the Right to:
ALL DISTRICT TEACHERS AND OTHER INSTRUCTIONAL STAFF ARE EXPECTED TO:

Educators have the RESPONSIBILITY to:	Educators (Teachers, Principals, Related Support Professionals & All Staff) have the RIGHT to:
1. Safe and Respectful Environment: ● Maintain a climate of mutual respect and dignity, which will strengthen the students' self-concept and promote confidence to learn. ● Know school policies and rules, and enforce them in a fair and consistent manner. ● Participate in the establishment of school rules and regulations regarding student behavior;	**1. Safe and Respectful Environment:** ● Work in a safe and orderly environment. ● Be treated courteously, fairly and respectfully by students, parents/ guardians and other school staff. ● Have their contractual and non-contractual time valued by all stakeholders. **2. Participation (Active Role):**

explain these rules to students and require observance of them.
- Refer to and utilize services for any student whose behavior requires special attention.

2. Participation (Active Role)
- Foster and nurture students so that they develop as learners both academically and socially.
- Encourage students to participate in classroom, extracurricular and other school-related activities.

3. Communication
- Cooperate and schedule conferences with students, parents and others in an effort to understand and resolve academic and behavioral concerns.
- Keep parents informed of their students' progress, challenges, effort and achievements.

4. Interpersonal Relationships
- Demonstrate, by word and personal example, respect for law and order and self-discipline. The highest level of professionalism will be exhibited at all times, including the use of proper language and the setting of a positive role model.
- Confront issues of discrimination, bullying and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination, bullying and harassment that are witnessed by teachers or other instructional staff or who receive an oral or written report of such conduct, in which case such conduct shall be promptly reported to the building administrator, the superintendent of schools or designee and/or the Dignity Act Coordinator (DAC) within one (1) school days

- Receive supportive professional development and training.
- Receive necessary resources.

3. Communication:

5. Communicate concerns, suggestions and complaints.
6. Receive timely communication from other school staff when decisions are made affecting their job responsibilities.

thereafter shall file a written report with the principal, superintendent of schools, or designee.	

D. PRINCIPALS AND SUPERVISORY PERSONNEL ALL DISTRICT PRINCIPALS AND SUPERVISORY PERSONNEL ARE EXPECTED TO:

Principal Responsibility	Superintendent Responsibility	Board of Education Responsibility
● Promoting a safe, supportive and orderly school environment for all school community members, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. ● Reviewing the code of conduct and procedures for reporting incidents with all staff at the beginning of the school year. Ensuring all staff participate in mandated yearly training such as The Dignity for All Student Act (DASA), school violence prevention and mental health first aid. ● Maintaining confidentiality and respecting student and parent rights to privacy. ● Developing the capacity of staff, students and families to intervene regarding behavioral concerns. ● Ensuring that race, economics and disability are never predictors of student achievement. ● Communicating with educators,	● Promoting a safe, supportive and orderly school environment for all school community members, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. ● Reviewing the policies of the board of education and state/federal laws, relating to school operations and management, with all district administrators. ● Maintaining confidentiality and respecting student and parent rights to privacy. ● Working with District administrators to enforce the code of conduct and ensuring that all incidents are resolved promptly and that students are treated fairly and equitably. ● Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of	● Promoting a safe, supportive and orderly school environment for all school community members, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. ● Approving the West Canada Valley School District Code of Conduct and The Dignity for All Student Act (DASA) coordinator(s) annually. ● Addressing issues of discrimination, harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or person who is lawfully on school property. ● Ensuring that policies promote and ensure equity. ● Maintaining confidentiality and respecting student and parent rights to privacy. ● Give full support to the staff charged with the responsibility for enforcing discipline in accordance with district policies and New York State Law. ● Be fair and consistent in making the final decisions regarding students whose behavior problems have been appealed to the school board.

students and parent/legal guardians' interventions/ ● consequences when applied using the code of conduct.	any student, employee or person on school property or at a school function. ● Ensuring that race, economics and disability do not predict student achievement.	

E. ROLE OF HOME SCHOOL (Home Schooling)

PARENTS/GUARDIANS AND STUDENT WHO PARTICIPATE IN HOME SCHOOLING ARE EXPECTED TO:

- Maintain a positive flow of communications and support between receiving and sending programs.
- Continue to support the student as needed.
- Work with Herkimer BOCES to ensure proper paperwork is completed.

IV. STUDENT DRESS CODE

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

A STUDENT'S APPEARANCE AND/OR DRESS SHALL:

- Not disrupt or interfere with the educational process.
- Fully cover private body parts and undergarments with opaque material.
- Include appropriate footwear at all times.
- Not include items that are vulgar, obscene, and/or libelous, denigrate or provoke others on account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks and twists), weight, color, religion or religious practice creed, national origin, gender and gender identity, sexual orientation, sex or disability expressed or implied manner.
- Not promote and/or endorse the use of alcohol, tobacco, marijuana, nicotine products or illegal drugs and/or encourage other illegal or violent activities.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks and twists) or to discipline them for doing so. Each building principal or the principal's designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

V. PROHIBITED STUDENT CONDUCT

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

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

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

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

- Level 1 Offense: Warning, lunch detention, detention, conference with student/parent, in-school time-out, peer mediation, loss of privileges
- Level 2 Offense: In-School Suspension (ISS), Out-of-School Suspension (OSS)
- Level 3 Offense: Students violating level three offenses will receive OSS, Superintendents Hearing
- A Superintendent's Hearing is a formal student disciplinary hearing conducted under New York Education Law §3214. It is required when a school district is considering a long-term suspension (more than five school days) or other serious disciplinary action against a student.

The items listed below are examples of conduct which is prohibited, but this *should not be considered an exhaustive list.*

Behavior: **ENGAGE IN CONDUCT THAT IS DISORDERLY**		**Level 1**	**Level 2**	**Level 3**
I.	Running in hallways	X		
II.	Making unreasonable noise	X		
III.	Using language or gestures that are profane, lewd, vulgar or abusive	X	X	
IV.	Using language or gestures that are profane, lewd, vulgar or abusive to staff or school employees			X
V.	Driving, riding or parking infraction, Driving to school without permission	X	X	
VI.	Engaging in any willful act which disrupts the normal operation of the school community	X	X	X
VII.	Trespassing. Students are not permitted on school property or in a school building during the time of suspension, without permission from the administrator in charge of the building			X
VIII.	Being in a location without permission (e.g. weight room, libraries, auditorium,	X	X	

	stage, gyms, cafeterias, senior lounge, playgrounds)			
IX.	Misusing computer/electronic communication, including any unauthorized use of computers, software, or internet/intranet accounts, accessing inappropriate websites, playing games or any other violation of the District's acceptable use policy	X	X	
X.	Engaging in inappropriate public sexual contact		X	X
XI.	Possessing and/or using cellphone/earbuds/headphones/smart watches	X		
XII. XIII.	Engaging in horseplay (e.g. pushing, shoving, grabbing, slapping)	X		

Behavior: **Engage in Conduct that is Insubordinate**		**Level 1**	**Level 2**	**Level 3**
I.	Not utilizing designated doors during school hours	X	X	
II.	Opening or propping doors open for others during school hours	X	X	
III.	Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect	X	X	
IV.	Being tardy to school without an excuse	X		
V.	Being tardy to class without an excuse	X		
VI.	Leaving school without permission	X	X	
VII.	Skipping detention	X	X	
VIII.	Abusing passes	X		

Behavior: **Engage in Conduct that is Violent**	**Level 1**	**Level 2**	**Level 3**

I.	Committing an act of violence (e.g., pushing, hitting, biting, kicking, punching and scratching) upon a teacher, administrator or other person lawfully on school property or attempting to do so		X	X
II.	Committing an act of violence (e.g., hitting, biting, kicking, punching and scratching) upon another student or any other person lawfully on school property or attempting to do so		X	X
III.	Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function		X	X
IV.	Displaying what appears to be a weapon		X	X
V.	Threatening to use a weapon, even if the weapon is not present			X
VI.	Threatening to harm another person lawfully on school property, school events, and over social media.		X	X
VII.	Intentionally or recklessly damaging or destroying the personal property of a student, teacher, administrator, other district employee or any other person lawfully on school property, including graffiti or arson		X	X
VIII.	Intentionally or recklessly damaging or destroying school District property		X	X

Behavior: **Engage in Any Conduct that Endangers the Safety, Morals, Health or Welfare of Others**		**Level 1**	**Level 2**	**Level 3**
I.	Photographing or video recording of a medical incident			X
II.	Photographing or video recording any person without their consent		X	X
III.	Photographing or video recording a physical altercation or fight			X
IV.	*Artificial Intelligence (AI) and Altered Digital Images* *A. Using AI or other digital editing tools to alter or fabricate a person's likeness.* *B. Editing or manipulating photographs of students or staff in a misleading, offensive, sexually explicit, or defamatory manner.* *C. Posting or distributing altered digital content through social media, messaging applications, email, or any other electronic platform.*		*X*	*X*

V.	Recklessly engaging in conduct which creates a substantial risk of physical injury		X	X
VI.	Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function	X	X	X
VII.	Discriminating, which includes on the account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks and twists), weight, color, creed, national origin, religion or religious practice, gender and gender identity, sexual orientation, sex or disability as a basis for treating another in a negative manner		X	X
VIII.	Harassing, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning		X	X
IX.	Intimidating, which includes engaging in actions or statements that put an individual in fear of bodily harm		X	X
X.	Hazing, which includes any intentional or reckless act directed against another for the purpose of, initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team			X
XI.	Selling, using or displaying obscene or pornographic material			X
XII.	Using vulgar or abusive language, cursing or swearing;	X	X	X
XIII.	Selling vapes, tobacco, edibles, medications, alcohol, marijuana or any other illegal substance			X
XIV.	Possessing or using of a vape pen, vape device, cigarette, cigar pipe, chewing and/or smokeless tobacco or any other vaping/smoking tool, vaping/smoking paraphernalia **Penalty:** **1st offense**: 2 days of In-School Suspension, **2nd offense**: 3 days of Out-of-School Suspension **3rd offense:** 5 days of Out-of-School Suspension and a Superintendent's Hearing		X	X
XV.	Possessing and/or consuming alcohol or illegal substance (Including, but not limited to, edibles, marijuana, and/or marijuana products) or being under the influence of either			

Penalty: **1st offense:** Automatic 5-day Out-of-School Suspension with a Superintendent's Hearing. **2nd offense:** Automatic 5-day Out-of-School Suspension with a Superintendent's Hearing with an Out-of-School Suspension for a period up to one year.			X
XVI. Inappropriately using or sharing prescription medication			X
XVII. Selling, distributing or exchanging illegal substances including drug paraphernalia **Penalty:** Minimum of 5-day suspension from regular attendance with mandatory Superintendent's hearing			X
XVIII. Initiating a report warning of fire or other catastrophe without valid cause, misusing 911, or discharging a fire extinguisher			X
XIX. Engaging in indecent exposure, that is, intentionally displaying or exposing to sight of the private parts of the body in a lewd or indecent manner			X
XX. Gambling	X	X	X

XXI. ENGAGE IN MISCONDUCT WHILE ON A SCHOOL BUS

A. It is crucial for students to behave appropriately while riding District buses to ensure their own safety, the safety of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with the standards established for classroom behavior. Excessive noise, the use of foul or inappropriate language, pushing, shoving, fighting, or any other disruptive behavior will not be tolerated. All conduct that is prohibited on school District property is also prohibited while riding a school bus.

B. Failure to comply with these expectations may result in disciplinary action in accordance with the District's Code of Conduct, including the suspension of transportation privileges. Students who are removed from the school bus due to misconduct will remain responsible for attending school, and it will be the parent(s)/guardian(s) responsibility to provide transportation during the period of suspension from bus privileges.

Behavior: **Engage in Any Form of Academic Misconduct** Examples of academic misconduct include, but are not limited to:	**Level 1**	**Level 2**	**Level 3**
I. Using AI without acknowledgment or permission from the teacher	X		
II. Plagiarizing, including the student's own work, other students' work and published and unpublished work	X		

III.	Cheating/copying	X		
IV.	Altering records			X
V.	Assisting another student in any of the above actions	X	X	X

B. Attendance:

Extracurricular Participation and Attendance Policy

To promote academic responsibility and maintain the integrity of extracurricular involvement, students must be present and on time for the entire school day in order to participate in any scheduled extracurricular practices, events, or activities that day.

Acceptable reasons for being late or absent include:

- A scheduled medical or dental appointment
- A required court appearance
- A documented college visitation
- Drivers Test
- Military visits
- Bereavement

All absences or late arrivals must be substantiated with authentic documentation (e.g., a doctor's note, court notice, or college visit confirmation) in order for the student to remain eligible for extracurricular participation on that day.

This policy applies to **all extracurricular activities**, including but not limited to:

- Athletics
- Clubs
- Performing arts (e.g., drama or musical rehearsals and performances)

C. Tardiness

a. The Board of Education recognizes that regular and punctual attendance is a critical component of student achievement and school safety. Consistent with New York State Education Law and the District Code of Conduct.

b. A student is considered tardy when they are not present in their first period class that starts at 7:35am. The doors open at 7:15am each morning.

c. Tardiness is monitored and recorded by marking period (quarter). Tardy counts reset at the beginning of each new quarter.

d. All absences or late arrivals must be substantiated with authentic documentation (e.g., a doctor's note, court notice, or college visit confirmation) in order for the student to remain eligible for extracurricular participation on that day.

e. Students are given two unexcused tardy per marking period throughout the school year totaling 8 times throughout the year that they will not be subjected to discipline.

i. Level 1 – Initial Incidents

1. Tardies 1–2 (per quarter):

a. No disciplinary consequence

b. Documented for attendance monitoring

c. Designed to promote responsibility while recognizing occasional circumstances

ii. Level 2 – School-Based Disciplinary Response

1. Tardies 3 (per quarter):

a. After school detention

b. Parent/guardian notification

c. Interventions may be implemented as appropriate

iii. Level 3 – Additional Consequences Including Extracurricular Participation

1. Tardies 4 and beyond (per quarter):

a. Students that do not participate in extracurricular activities will receive after school detention

b. Students participating in extracurricular activities (including athletics, clubs, and performing arts clubs) will lose eligibility for participation that day.

D. ENGAGE IN CRIMINAL ACTIVITIES

Students are prohibited from engaging in any activity which violates local, state, or federal law.

E. TECHNOLOGY USE: Student Acceptable Use Policy and Regulations

a. The Board of Education considers access to its computer systems, including the internet, to be a valuable educational and research tool. Computers, computer networks and computer-related technology in District classrooms and buildings shall be used solely for the purpose of advancing and promoting learning and teaching. The use of school computers, software, network resources and/or the internet for non-educational purposes such as for-profit activity, personal business or illegal activity is prohibited. The use of all District computer systems and the internet is a privilege, not a right. The District's computer systems are District property to which users are permitted access. The West Canada Valley CSD shall have the right at any time to access, inspect and view any materials stored on its computers, computer networks and on peripheral devices of any sort. No student shall have any expectation of privacy. The Board of Education, through the Superintendent of Schools, or designee, establishes regulations governing the use and security of the District's computer systems. All users of the District's computer systems shall comply with this policy and those regulations. Failure to comply may result in suspension of access to the District's computer systems and/or other appropriate penalties.

Acceptable Use and Conduct

- Access to the District's computer network is provided for educational purposes and research consistent with the District's mission and goals.
- Use of the District’s computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- All network users will be issued a login name and password.
- Only those network users who have permission from the Technology Services Department or who have been issued a District-owned device, may access the District's system from offsite (e.g., from home).
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the District's network must notify the appropriate teacher, administrator or the Technology Services Department. Under no circumstance should the user demonstrate the problem to anyone other than to the District official or employee being notified.
- Any network user identified as a security risk or having a history of violations of District computer use guidelines may be denied access to the District's network.

Prohibited Activity and Uses

The following is a list of prohibited activity concerning use of the District's computer network. Violation of any of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to

the network, financial restitution if appropriate, commencement of legal proceedings as appropriate. For staff members, disciplinary action in accordance with law and any applicable collectively negotiated agreement, up to and including termination of employment. For students, disciplinary action in accordance with law and the District's Code of Conduct.

- Using the network for commercial or financial gain, including advertising or fraud.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any illegally obtained copyrighted software on the District computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive or harassing to others. Using another user's account or password.
- Attempting to read, delete, copy or modify the digital communications (i.e., e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive communications.
- Using the network to send anonymous messages or files.
- Using the network to transmit or make available to others a message that is inconsistent with the District's Code of Conduct.
- Revealing the personal address, telephone number or other personal information of oneself or another person without consent.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy District equipment or materials, data of another user of the District's network or of any of the entities or other networks that are connected to the internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal removable media on the District's computers and/or network without the permission of the appropriate District official or employee.
- Stealing data, equipment or intellectual property.
- Seeking to gain unauthorized access to any files, resources, computer, or phone systems.
- Using the network in a fashion inconsistent with directions from administration.
- Changing or exceeding resource quotas as set by the District without the permission of the appropriate District official or employee.

Student Cell Phone/Electronic Devices

Definitions

- "Electronic devices and wireless communication devices" (hereinafter referred to as "electronic devices") shall be defined to include portable two-way telecommunication devices, including but not limited to, cellular phones, smart watches, earbuds, walkie-talkies, personal digital assistants (PDA), pagers, laptops with two-way messaging, and other hand-held computing devices (when such is being used as a communication device). This definition will also include any new device developed for communicating via voice, text, or images/video. Excluded from this definition is any District-provided device for instructional purposes and District-issued cell phones for professional use.

- "Premises" shall include, but is not limited to, school property, school buses/vehicles, and/or any locations where school sponsored/supervised events may be taking place.

School District Responsibility

- Students shall be personally and solely responsible for the security of their electronic devices. The West Canada Valley School District (the District) shall not assume any responsibility/liability for theft, loss, or damage of an electronic device or for any unauthorized calls made on an electronic device. If a student brings an electronic

device to school, the device will be placed in a locked storage box for the entire instructional day and returned to the student at the end of the instructional day.

To get important messages to your children

- A parent/guardian can call the school's main office. Office personnel will relay the message to the student. If the message is personal/private, staff will call the student to the office to speak directly with the parent/guardian.

Prohibited Use of Electronic Devices for Grades Pre-Kindergarten through Twelve

- The use of electronic devices is prohibited:
    - For students in Grades Pre-Kindergarten through Sixth from 8:55 a.m. until 3:20 p.m.
    - For students in Grades Seven through Twelve, from 7:35 a.m. until 2:23 p.m.

- During times of day when students are permitted to possess and use electronic devices in the District schools, it remains a violation of District policy to use electronic devices to:
    - Take photographs or videos of others without their consent.
    - Audio recording others without their consent.
    - Possess or send inappropriate images or inappropriate written references.
    - Harass, discriminate against others.
    - Cheat on school assignments by sending or receiving confidential academic or testing information.
    - For purposes prohibited by SED regulations or state or federal law.

Possession of Electronic Devices

- During prohibited times, electronic devices shall be left at home, in a locked car, in the School office, or in the school-provided locked storage box.
    - Students may possess electronic devices as follows:
        1. Grades Prekindergarten through Six
            - Before the beginning of the instructional school day at 8:55 a.m.
            - After the end of the instructional school day at 3:20 p.m.

        2. Grades Seven through Twelve
            - Before the beginning of the instructional school day at 7:35 a.m.
            - After the end of the instructional school day at 2:23 p.m.
        3. Students with a District-approved medical reason, such as diabetes monitoring, documented and on file with the school nurse.
            - Throughout the school day.

Consequences for Cell Phone Violations:

- *The 1st Offense student will be given the phone back at the end of the school day.*
- *2nd - 4th Offense students will either have to stay for a detention to get the phone back at the end of the assigned detention or the parent can come to school and pick up the phone.*
- *4th Offense a parent meeting will be scheduled to discuss consequences if future violations continue.*

Right of Inspection

Students using the District's computer network should not expect, nor does the District guarantee, privacy for digital communications (i.e., e-mail) or any use of the District's computer network. The District reserves the right to access and view any material stored on District equipment or any material used in conjunction with the District's computer network.

Sanctions

All users of the District's computer network and equipment are required to comply with the District's policy and regulations governing the District's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

- In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to, materials protected by copyright, threatening or obscene material or material protected by trade secrets. Users must respect all intellectual and property rights and laws.

Parent/Legal Guardian Request to Deny Computer Usage
In order to achieve the career development and technical education (occupational) learning standards articulated by the New York State Department of Education, students will be provided access to instructional materials and processes available only through the use of computers. Parental requests to deny student use of District computers will be considered in accordance with law and/or regulations. Parents who do not wish their child(ren) to have access to School District computers must send a written request to the school principal, otherwise an account will be created. Parents or legal guardians should contact the school principal with any questions regarding the Student Acceptable Use Policy & Regulation.

VI. DISCIPLINARY PENALTIES

PROCEDURES AND REFERRALS

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

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

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

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

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

Students are encouraged and expected to report violations of the code of conduct to a teacher, guidance personnel or the principal. All District staff are expected to adhere to and uphold the code of conduct in a fair and consistent manner.

RIGHTS AFFORDED

The rights afforded to students in our District who attend the public schools are substantial, as expressed in the New York State Constitution, Education Law, Board of Education policies, and as set forth in the Student Bill of Rights and Responsibilities. However, a student's rights as a student are subject to limitation and suspension when their conduct or condition is found to be in violation of the provisions of this Code. In addition, the Board directs the Superintendent of Schools, principals or designees to report suspected illegal activities to law enforcement agencies for appropriate action. These reports will be made through the School Resource Officer when available.

A. PENALTIES

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified below are authorized to impose that penalty, consistent with the student's right to due process.

- Oral warning – any member of the District staff
- Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
- Written notification to parent/guardian – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent
- Detention – teachers, principal, superintendent
- Suspension from transportation – principal and superintendent
- Suspension from athletic participation – coaches, principal, superintendent, athletic director
- Suspension from social or extracurricular activities – activity director (i.e., coaches, athletic director, club advisor, program manager, etc.), principal, superintendent
- Suspension of other privileges – principal, superintendent
- In-school suspension – principal, superintendent
- Removal from classroom by teacher – teachers, principal, superintendent
- Short-term (5 days or fewer) suspension from school – principal, superintendent, Board of Education.
- Long-term (more than 5 days) suspension from school following a superintendent's hearing – superintendent
- Placement in an interim alternative educational setting for a period of up to 45 days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function is determined not to be related to his/her disability.
- Suspension from school for at least one year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined to be related to the disability, placement in an alternative educational setting for a period of up to 45 days.
- Permanent suspension from school – Superintendent, Board of Education.

In the event of disciplinary actions in response to acts of harassment, bullying and/or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

The above list is not exhaustive of the type of penalties that may be imposed.

PROCEDURES

- The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the students of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.
- Students who are to be given penalties other than an oral warning, written warning or written notification to their parents/guardians are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

DETENTION

- Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Also, students will be afforded appropriate transportation home following detention. Additionally, any student assigned detention may use the school phone to call home notifying the parent/guardian of the same.

SUSPENSION FROM TRANSPORTATION

- If a student does not exhibit proper conduct on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent/guardian will become responsible for seeing that 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 S3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

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/guardian will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

IN-SCHOOL SUSPENSION

- The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension".
- A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

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' 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.

- A District-established School Tool referral form must be completed by the referring teacher as soon as possible, but no later than the end of the current school day. The completed referral form will explain the circumstances of the removal.

SUSPENSION FROM SCHOOL

- Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.
- The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.
- Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report 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.

SHORT-TERM (5 days or fewer) SUSPENSION FROM SCHOOL

- When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for 5 days or fewer pursuant to Education Law § 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/guardians 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/guardians. 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/guardians.
- 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/guardians 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/guardians. At the conference, the parents/guardians 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/guardians in writing of his or her decision. The principal shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written 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 within 30 days of the decision.

LONG-TERM (more than 5 days) SUSPENSION FROM SCHOOL

- When the Superintendent or building principal determines that a suspension of more than 5 days may be warranted, the administrator shall give reasonable notice to the student and the student's parents/guardians 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 the student's behalf.
- The superintendent shall personally hear and determine the proceeding or may, in the superintendent's discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths to issue subpoenas in conjunction with the proceeding. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.
- An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents/guardians can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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.

MINIMUM PERIODS OF SUSPENSION

A. **STUDENTS WHO BRING A WEAPON TO SCHOOL**

- **NOTE:** ***The federal Gun-Free Schools Act of 1994 (20 USC S8921) requires all states that receive funds under the Elementary and Secondary Education Act of 1965 to have a law that requires school districts to suspend students who bring a firearm to or possessed a firearm at a public school for a minimum of one calendar year. Section 3214(3)(d) of the Education Law has been amended to comply with the federal law.***

- Any student, other than a student with a disability, found guilty of bringing a firearm onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law S3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. **In deciding whether to modify the penalty, the superintendent may consider the following:**
  - The student's age.
  - The student's grade in school.
  - The student's prior disciplinary record.
  - The superintendent's belief that other forms of discipline may be more effective.
  - Input from parents/guardians, teachers and/or others.
  - Other extenuating circumstances.

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

B. **STUDENTS WHO COMMIT VIOLENT ACTS OTHER THAN BRINGING A FIREARM TO SCHOOL**

- Any student, other than a student with a disability, who is found to have committed a violent act including but not limited to bringing weapons other than a firearm, on school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum 5-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum 5-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum 5-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a 1-year suspension for possessing a firearm.

C. **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 disciplined accordingly per the code of conduct. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being frequently removed from the classroom by teacher(s) pursuant to Education Law S3214(3-a). Students can be suspended up to five days due to their poor behaviors in the classroom. Students and the student's parent/guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent/guardian will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a firearm.

D. **REFERRALS**

1. COUNSELING

- The Guidance Office shall manage 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 the student requires supervision and treatment by:
  - Being habitually truant and not attending school as required by part 1 of Article 65 of the Education Law.
  - Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
  - Knowingly and unlawfully possessing marijuana in violation of Penal Law S225.05. A single violation of S221.05 will be a sufficient basis for filing a PINS petition.

JUVENILE DELINQUENTS AND JUVENILE OFFENDERS

- The superintendent is required to refer the following students to the county attorney for a juvenile delinquency proceeding before the family court:
  - Any student under the age of 16 who is found to have brought a weapon to school, or
  - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law S1.20(42).

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

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 cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.
- All requests by child protective services to interview a student on school property shall be made directly to the building principal or designee. The principal or designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of the student's clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of a different sex.
- A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if the student 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/guardian's consent

F. **Law Enforcement Notification**

- The Board of Education has directed illegal activities be referred to the appropriate law enforcement agency.

VII. DIGNITY FOR ALL STUDENTS ACT

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

The District condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex by school employees or students on school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

DIGNITY ACT COORDINATOR

At least 1 employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to manage human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students and parents/guardians/persons in parental relation.

The Dignity Coordinators for the West Canada Valley Central School District are Ritamarie Juteau, School Psychologist, Rebecca Wood, Guidance Counselor, Kady Conklin, Guidance Counselor, Janelle D'Aoust, Elementary Counselor, Glenn Broadbent, Junior/Senior High School Principal, and Christine Nofri, Elementary Principal. Contact at (315) 845-6800, West Canada Valley Central School District, PO Box 360, Route 28, Newport NY 13416.

If a Dignity Act Coordinator vacates the position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within 30 days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

TRAINING

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

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

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents/guardians. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

REPORTS AND INVESTIGATIONS OF DISCRIMINATION AND HARASSMENT

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

The District will annually report material incidents of discrimination and harassment to the State Education Department as part of the School Safety and Educational Climate (SSEC) reporting form.

PROHIBITION OF RETALIATORY BEHAVIOR (Commonly Known as "Whistle-Blower" Protection)

Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior is strictly prohibited and illegal and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted or participated in any manner in an investigation, proceeding or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

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

AGE-APPROPRIATE RESTATEMENT OF POLICY

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender or sex.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe or that might reasonably make them unable to concentrate on their school work because of what you think about their actual or perceived race (including traits historically associated with race, such as hair texture and protected hairstyles like braids, locks and twists), color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender or gender identity or sex. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages. This kind of conduct is prohibited on school property, on school buses, and at all school sponsored events.

STUDENTS OF COMPULSORY SCHOOL AGE:

During out-of-school suspension, students of compulsory school age will be provided with alternative instruction.

STUDENTS NOT OF COMPULSORY SCHOOL AGE:

During out-of-school suspension, students not of compulsory age, will not be offered opportunity for alternative instruction.

VIII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or the principal's designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent. Any student observing a student being harassed, bullied and/or or discriminated against by another student or a staff member shall report this information either orally or in writing immediately to a teacher, the principal, the principal's designee, the Superintendent of Schools or the Dignity Act Coordinator.

Staff who receive oral or written reports of harassment, bullying, and/or discrimination or witness such acts shall report the incident orally within one (1) school day to the principal, the principal's designee, the Superintendent of schools or the Dignity Act Coordinator. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days following receipt. The District's building

principal, Superintendent or their designees shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written report made.

- The principal, the principal's designee or the Dignity Act Coordinator (DAC) will investigate the complaint by: reviewing any written documentation provided by the target(s), conducting separate interviews of the target(s), alleged perpetrator(s), and witness(es), if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notifying them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
    - A "permanent" hall pass that allows the student to visit a designated adult at any time
    - Access to private bathroom facilities
    - Access to private locker room facilities
    - An escort during passing periods
    - A “stay away’’ agreement
    - If the student feels unsafe in a specific class, an opportunity for individual tutoring, independent study until the case is resolved or change in class assignment
    - An opportunity for independent study at home with District-provided tutor until the case is resolved;
    - Permission to use personal cell phone in the event that the student feels threatened and needs immediate assistance
    - Assignment of a bus monitor
    - Counseling support
    - Adjustments in hallway traffic
    - Targeted use of monitors (e.g., hallway, cafeteria, etc.)
    - Law enforcement (e.g., School Resource Officer)

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be managed individually, and the student, parent/guardian and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

The investigator shall report back to both the target and the accused, within ten school days, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The target will be advised to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against the target. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or District designee believes that a reported incident may constitute criminal action, the District shall notify the proper law enforcement agency promptly and shall notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

Where appropriate, informal methods may be used to resolve the complaint, including, but not limited to:

- discussing with the accused, informing the accused of the District's policies and indicating that the behavior must stop:
- suggesting counseling, skill building activities and/or sensitivity training;
- conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior:
- requesting a letter of apology to the target;
- writing letters of caution or reprimand; and/or
- separating the parties;
- establishing a "stay away" agreement
- Parent conferences
- Law enforcement (e.g., School Resource Officer)
- Corrective instruction or other relevant learning or service experience
- Behavioral assessment and/or evaluation
- Behavioral management plan
- Student counseling

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Superintendent, Principal or their designees shall take prompt action, consistent with the District's Code of Conduct, including, but not limited to, the provisions of Section 100.2(l)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.

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

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

The building principal or 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 or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed the 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. ALTERNATIVE INSTRUCTION

When a student is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law S3214, the District will take immediate steps to provide alternative means of instruction for the student.

No student of compulsory school age shall be suspended from attendance in his/her regularly scheduled classes without being provided alternative equivalent instruction, either in the form of assignments, home instruction or instruction in an alternative setting.

In the event that a student within the compulsory education ages of 6 and the school year in which the student becomes 16 is suspended from attendance upon instruction in excess of 5 school days, alternative equivalent instruction shall be provided for the duration of the period of suspension.

A student assigned to in-school suspension automatically receives opportunity for continued instruction either through an in-school suspension room or through other arrangements made by the principal or his designee.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

A. AUTHORIZED SUSPENSIONS OR REMOVAL OF STUDENTS WITH DISABILITIES

1. **FOR PURPOSES OF THIS SECTION OF THE CODE OF CONDUCT, THE FOLLOWING DEFINITIONS APPLY**
    - "**Suspension**" means a suspension pursuant to education Law S3214.
    - "**Removal**" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
    - "**IAES**" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
    - **"Serious bodily injury"** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
    - **"Weapon"** means 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 that such term does not include a pocket knife with a blade of less than two and one-half inches in length.
    - **"Illegal drug"** means a controlled substance other than a 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.
    - "**Controlled substance**" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- ***"Student presumed to be a student with a disability"*** means a student whom the District may have knowledge of having a disability. A District shall be deemed to have knowledge that a student may be a student with a disability, when:
    - the parent/guardian of such student has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent/guardian does not know how to write or has a disability that prevents a written statement
    - the parent/guardian of the student has requested an evaluation of the student
    - a teacher of the student or other personnel of the District has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the Director of Pupil Personnel Services of the District or to other supervisory personnel of the District in accordance with the District's established child find or special education referral system
- "**Expedited evaluation**" means where a parent/guardian of a student who faces disciplinary action refers the student for an evaluation, and there is no basis to presume the student may be disabled, the Committee shall complete all evaluations within 15 business days of the referral and convene a meeting to determine whether the student is a student with a disability within 5 business days thereafter.

2. **SCHOOL PERSONNEL MAY ORDER THE SUSPENSION OR REMOVAL OF A STUDENT WITH A DISABILITY FROM HIS OR HER CURRENT EDUCATIONAL PLACEMENT AS FOLLOWS**:
    - The Board, a district (BOCES) superintendent, the Superintendent of Schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
    - The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension, and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior. If the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
    - The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
    - The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
    - Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in the current educational placement poses a risk of harm to the student or others.

B. CHANGE OF PLACEMENT RULE

1. **A DISCIPLINARY CHANGE IN PLACEMENT MEANS A SUSPENSION OF REMOVAL FROM A STUDENT'S CURRENT EDUCATIONAL PLACEMENT THAT IS EITHER:**
    - for more than 10 consecutive school days; or
    - for a period of 10 consecutive school days or fewer if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
    - School personnel may or may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on the pattern of suspension or removal.

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

C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

1. **THE DISTRICT'S COMMITTEE ON SPECIAL EDUCATION SHALL**:
    - Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from the student's current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school District shall convene a meeting of the CSE to modify such plan and its implementation to the extent the committee determines necessary.
    - Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents/guardians of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability

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

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

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

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

D. EXPEDITED DUE PROCESS HEARINGS

1. AN EXPEDITED DUE PROCESS HEARING SHALL BE CONDUCTED IN THE MANNER SPECIFIED BY THE COMMISSIONER'S REGULATIONS INCORPORATED INTO THIS CODE, IF:
    - The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in the student's current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in the student's current educational placement during such proceedings.

- The parent/guardian requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents/guardians and the District agree otherwise.
    - If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, the hearing officer must mail a written decision to the District and the parents/guardians within 5 business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES IN ACCORDANCE WITH THE PROVISIONS OF IDEA AND ITS IMPLEMENTING REGULATIONS:

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

XI. CORPORAL PUNISHMENT

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

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

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

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

XII. VISITORS TO THE SCHOOLS

The Board encourages parents/guardians and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors are required to schedule their visits prior to arriving.
- All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents/guardians or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum (such reason should be stated).
- Teachers will not take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

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

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

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

A. PROHIBITED CONDUCT

NO PERSON, EITHER ALONE OR WITH OTHERS, SHALL:

- Intentionally or willfully injure any person or threaten to do so
- Intentionally or willfully damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson or threaten to do so
- Disrupt the orderly conduct of classes, school programs or other school activities
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school program
- Intimidate, harass or discriminate against any person on the basis of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, creed, national origin, religion or religious practice, age, gender or gender identity, sexual orientation, sex or disability
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally or presently closed
- Obstruct the free movement of any person in any place to which this code applies. Meaning, it is prohibited to physically restrain or detain any other person or remove such person from any place where they are authorized to remain

- Violate the traffic laws, parking regulations or other restrictions on vehicles
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances or be under the influence of either on school property or at a school function
- Have in their possession upon any premises to which these rules apply, a weapon of any kind, whether or not a license to possess the same weapon has been issued to such person (peace officers and law enforcement officers are excluded from this prohibition)
- Loiter on or about school property
- Gamble on school property or at school functions
- Refuse to comply with any reasonable order of identifiable school District officials performing their duties or refuse to leave any building or facility after being directed to do so by an authorized administrative officer, member of the faculty or staff member
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute or local ordinance of Board policy while on school property or while at a school function;
- Obstruct or disrupt the teaching, research, administration, disciplinary procedures or any other school activities
- Disrupt or prevent the peaceful and orderly conduct of classes, lectures, and meetings or interfere with the freedom of any person to express their views, including invited speakers and guests
- Smoke or use tobacco related products or possess, use, sell or distribute alcohol or controlled substances in school buildings, on school grounds or property (including in personal vehicles on school grounds or property), or school vehicles

B. PENALTIES

PERSONS WHO VIOLATE THIS CODE SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

- Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection by the New York State Police.
- Students. They shall be subject to disciplinary action as the facts may warrant in accordance with the due process requirements.
- Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
- 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.
- Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. ENFORCEMENT

- The building principal or designee and the Superintendent of Schools shall be responsible for enforcing the conduct required by this code.

When the building principal or designee sees an individual engaged in prohibited conduct, which in the principal's judgment does not pose any immediate threat of injury to persons or property, the principal or designee shall tell the individual that the conduct is prohibited 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 prohibited conduct, 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 "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

XIV. DISSEMINATION AND REVIEW

A. DISSEMINATION OF CODE OF CONDUCT

The Board of Education shall provide copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of the school year and shall make the code of conduct available to persons in parental relation to students at the beginning of each school year and shall mail a plain-language summary of the code to all persons in parental relation to students before the beginning of each school year and make it available thereafter upon request. The Board of Education shall take reasonable steps to ensure community awareness of the code provisions.

The Board will support an in-service education program for all District staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education shall annually review and update the district's Code of Conduct if necessary, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration. Each school district is authorized to establish a committee and to facilitate the review of the Code of Conduct and the District's response to Code of Conduct violations. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel and shall be approved by the Board of Education. The school board shall reapprove any such updated code only after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties.

The West Canada Valley Central School District shall file a copy of its Code of Conduct with the commissioner and all amendments to such code shall be filed with the commissioner no later than 30 days after their adoption (Code of Conduct on School Property: Education (EDN) Section 2801, Chapter 16, Title 2, Article 55).

2026 Committee:
Roger Kemler, Board of Education
Jeremy Siddon, Superintendent of Schools
Christine Nofri, Elementary Principal
Glenn M. Broadbent, Junior/Senior High School Principal
Shane Bonney, teacher
Gretchen Blynt, teacher/parent
Courtney Valasek, teacher/parent
Alyson Good, teacher
Angie Lyon, elementary nurse
Mike Kerr, SRO
Jamie Farrington, SPO
Ritamarie Juteau, teacher/teacher union president
Janelle D'Aoust, elementary counselor