

# CODE OF CONDUCT



Starpoint Central School District  
4363 Mapleton Road  
Lockport, NY 14094

Re- Adopted – June 20, 2016

**CODE OF CONDUCT**  
**TABLE OF CONTENTS**

I.	Introduction	2
	A. Dignity for All Students Act (DASA)	2
II.	Definitions	4
III.	Public Conduct on School Property	7
IV.	Prohibited Conduct on School Property or Conduct that Occurs Off-School Property that Causes a Disruption in the Educational Environment	9
V.	Student Rights and Responsibilities	14
VI.	Expectations of Parents	16
VII.	Expectations of School Administrators, Faculty and Staff	16
VIII.	Student Dress Code	16
IX.	Strategies for the Prevention of Harassment, Discrimination and Bullying	17
X.	Disciplinary Procedures and Penalties	18
XI.	Reporting Violations of the Code of Conduct and the Dignity for All Students Act	26
XII.	Discipline of Students with Disabilities	27
XIII.	Emergency Interventions with Students with Disabilities	27
XIV.	Student Searches and Interrogations	28
XV.	The PINS Diversion Process and Referral	30
XVI.	Publication, Distribution and Review	31

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- Sean M. Croft–Assistant Superintendent of Instruction, Assessment & Staff Development
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- Gil Licata – Principal, High School
- Joseph DiMaria – Assistant Principal, High School
- Michael Moran, Assistant Principal, High School
- James Bryer – Principal, Middle School
- Denielle Ander – Assistant Principal, Middle School
- Maureen Braunscheidel – Principal, Regan Intermediate School
- Bonnie Stafford – Principal, Fricano Primary School
- Students: High School Class Officers, High School Link Crew Members and High School Student Council Members

## **I. INTRODUCTION**

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

The district has a long-standing set of expectations for conduct on school property, on a school bus, 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, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct that applies to all students, school personnel, parents and other visitors when on school property, on a school bus or attending a school function. The conduct of students who participate on interscholastic sports teams, are members of student clubs or organizations, or participate in extracurricular activities will be held to a higher standard; the rules for these students apply both on and off school district property. Students participating in the district's extracurricular or interscholastic activities and their parents must sign a written statement that the student will refrain from using alcohol, tobacco and illegal drugs in order to participate in any district extracurricular or interscholastic activities. Disciplinary sanctions regarding students are set forth in this Code of Conduct.

### **A. Dignity For All Students Act (DASA)**

In accordance with the *Dignity For All Students Act (DASA)*, the Board of Education adopts this Code of Conduct and other policies and guidelines including, but not limited to: 1) Policies intended to create a school environment that is free from discrimination or harassment; 2) Guidelines to be used in school training programs to discourage the development of discrimination or harassment, designed to raise the awareness and sensitivity of school employees to potential discrimination or harassment, and enable employees to prevent and respond to discrimination or harassment; and, 3) Guidelines relating to the development of nondiscriminatory instructional and counseling methods including the appointment of at least one staff member at every school who is thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The Board will appoint a Dignity Act Coordinator (DAC) for each school building who will be accessible to students, parents, and other school staff for advice and consultation as needed.

The Starpoint Central School District will not tolerate incidents of discrimination, intimidation, taunting, harassment and bullying on school property, a school bus and/or at a school function by students and/or school employees.

The New York State Dignity for All Students Act (Dignity Act) was signed into law on September 13, 2010 and became effective July 1, 2012. This legislation amended State Education Law by creating a new Article 2 - Dignity for All Students. The Dignity Act states that NO student shall be subjected to harassment or discrimination by employees or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

### **Starpoint's Dignity Act Coordinators**

In compliance with Education Law §13(3), at least one staff member at every school must be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex. This staff member should be referred to as the Dignity Act Coordinator (DAC). If you have been the target of such behaviors listed above or know someone who has, we encourage you to speak to a teacher, principal, or school employee. The following employees have been appointed as Dignity Act Coordinators and are available to help you.

**Adrienne Cohan**, School Social Worker, Fricano Primary School, 210-2329

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### **Additional Resources from the NYS Education Department:**

Dignity for All Students Act Webpage: <http://www.p12.nysed.gov/dignityact/DASA>

Brochure:

<http://www.p12.nysed.gov/dignityact/documents/DignityActBrochureUpdateFinal.pdf>

## II. DEFINITIONS

For purposes of this Code and other policies and guidelines adopted by the Board for the implementation of DASA, the following definitions apply:

**Controlled substance** is a drug or other substance or substances having the appearance of a drug identified by the Controlled Substances Act.

**“Cyber” violations** are inappropriate use of all technology, including but not limited to, cell phones, computers, and/or the internet.

**Cyber bullying** means harassment or bullying as defined in this section where such harassment or bullying occurs through any form of electronic communication.

**Dignity Act Coordinator (DAC)** means one or more staff member per school appointed by the Board of Education upon the recommendation of the Superintendent who is thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex in accordance with New York’s Dignity for All Students Act (DASA). The DAC will be available to staff, students, and parents, as needed.

**Disability** means 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 demonstrated by medically accepted clinical or laboratory diagnostic techniques.

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

**Employee** means any person receiving compensation from the district or through a contracted service provider or a worker placed within the district under a public assistance employment program.

**Ethnic Group** means a group of people with a common heritage that includes language, culture, and often a shared or common religion or ideology that stresses ancestry.

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

**Harassment and Bullying** mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying, that: A) Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; B) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; C) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or, D) Occurs off school property and

creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition, the terms "threats, intimidation or abuse" shall include verbal and non-verbal actions.

**Illegal drugs** are the unlawful possession or the unlawful use of controlled substances in an illegal manner.

**Informal Conference** is a scheduled meeting between district supervisors, parents and/or students during which a student and/or parent has a right to express their opinion as to the circumstances of the matter, present evidence on their behalf and hear the evidence in the matter. When the proposal to suspend a student charged with prohibited conduct is for five days or less, the informal conference may be held with the building principal. During this informal conference, the student or parent(s) will also have the right to question witnesses in the action against the student.

**Interim Alternative Educational Setting (IAES)** (as it relates to children with disabilities) means a temporary educational placement for a period of up to 45 days, other than a student's current placement. This alternative placement enables the student to continue to progress in the general curriculum and to receive appropriate services and modifications as described in the student's individualized educational program (IEP). The alternative placement and related services are designed to prevent the inappropriate behavior from recurring.

**National Origin** means a person's country of birth or ancestor's country of birth.

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

**PINS** is "persons in need of supervision."

**PINS Referral** can be filed in Family Court against a minor under the age of 18 who is alleged to be incorrigible, truant from school, and beyond the lawful control of his/her parents. Usually the referral is filed by a parent, guardian, or school official, but the referral can be filed by the police as well.

**Race** means a group of persons related by a common descent or heredity.

**Religion** means specific beliefs and practices agreed to by a group of people.

**Religious Practice** includes practices and observances such as attending worship services, wearing specific clothing or displaying objects, praying, adhering to dietary rules, etc.

**Removal from Class** means classroom teacher removal of a student for up to two days, if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

**Removal from Class (as it relates to students with disabilities)** 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 or other appropriate party because the student poses a risk of harm to himself/herself or others.

**School Agenda and/or Student Handbook** is a booklet provided to every student grades K–12. At the primary level, the handbook provides an explanation of the school day, school programs, and student expectations and guidelines. At the intermediate level, the document outlines expectations of students, student responsibilities, and school procedures. It also assists students in the management of their assignments, homework, and tests. At the middle school and high school levels, the document outlines student responsibilities and is very specific about appropriate behavior and the consequences of behavior that is deemed inappropriate. Parents should read their child's agenda/ student handbook to become familiar with the rules and behavioral expectations that are expected of all students in the district.

**School Bus** means every motor vehicle owned and operated by the district, or privately owned and operated for compensation for the district.

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line or owned/leased/rented by the Starpoint Central School District; or on a school bus.

**School Function** means any school-sponsored extra-curricular event or activity.

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality or bisexuality.

**Sexual Harassment** is inappropriate visual, verbal or physical conduct directed by an adult to an adult, an adult to a student, a student to an adult, or a student to a student. Sexual harassment is acts that are sexual in nature or gender based; are unwanted or unwelcome; are severe, persistent or pervasive; and interfere with ability to do work, learn or study.

**Superintendent Hearing** is a formal meeting held in compliance with New York State Education Law.

**Suspension** is a severe penalty that 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 as set forth in this Code of Conduct.

**Violent student** is a student under the age of 21 who:

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

**Visitor** is anyone who is not a staff member or student of the school.

**Weapon is** a firearm as defined in 18 USC Section 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, metal knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or anything that gives the appearance of being harmful, or other device instrument, material or substance that can cause serious physical injury or death when used as a weapon.

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

To create and maintain a safe and orderly environment on school property and at school functions, the Board of Education requires certain standards of behavior and conduct of all persons. These requirements 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.

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Exhibit behavior that is rude, impolite, discourteous, vulgar or disrespectful, whether on the telephone, in person, at Board of Education meetings or any other school district functions or events. If a staff member behaves inappropriately, the individual shall report the inappropriate behavior to the building principal/director or to the Superintendent of Schools.

5. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, cause harm, obstruct the rights of others, or are disruptive to the school program.
6. Intimidate, harass, bully, or discriminate against any person on the basis of an individual's actual or perceived race, color, weight, ethnic group, religion, religious practices, national origin, sex, sexual orientation, gender, age, marital status, military status, veteran status, or disability.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place.
9. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
10. Possess, consume, sell, distribute, or exchange alcoholic beverages, controlled substances or substances that give the appearance of an illegal drug or controlled substance, or be under the influence of either on school property or at a school function.
11. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or any games of chance, at a school function, or any object that could cause harm to any individual except in the case of law enforcement officers.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any lawful order of identifiable school district officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance, or Board policy on school property or while at a school function.

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

1. Visitors, depending on the nature of the violation:
  - Shall be given a verbal warning and may be directed to leave the school property.
  - If the behavior is severe or persistent, the individual may lose the privilege of entering school property or attending school events for a specified period of time.
  - If conversations with school personnel are vulgar or inappropriate whether in a person or on the telephone, school staff will be instructed to indicate that the conduct is offensive and, if continued, will be terminated. As a result, the communication privileges between the individual and the school will be suspended for a specified period of time.
  - If the behavior is illegal, the proper authorities will be notified to deal with the situation.
2. Students are subject to warnings, ejection and/or disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties section of this Code of Conduct, in accordance with the due process of law requirements.

3. Tenured faculty members will be subject to disciplinary action as the facts may warrant in accordance with their negotiated agreement and with Education Law Section 3020-a.
4. Classified Civil Service staff members are entitled to the protection of Civil Service Law Section 75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75.
5. Staff members other than those described in subdivisions 3 and 4 will be subject to immediate discipline and to warning, reprimand, suspension or dismissal as the facts may warrant.
6. Specific disciplinary measures for students are listed in the student handbook or agenda.

The Superintendent shall be responsible for enforcing the conduct required by this Code. The Superintendent may designate other district staff, including the DASA Coordinator, to take action consistent with the Code as authorized and as may be appropriate.

When any administrative staff member sees an individual engaging in prohibited conduct, which in his or her judgment does not pose an immediate threat or injury to persons or property, the administrative staff member will, in his or her discretion:

- Tell such individual that the conduct is prohibited; or attempt to persuade such individual to stop; or warn such individual of possible consequences for failing to stop, or invoke provisions of the Penalties section of the Code, or any combination thereof.
- If such individual refuses to stop engaging in prohibited conduct, or if such individual's conduct poses an immediate threat of injury to persons or property, the administrative staff member will: **(1)** have such individual removed immediately from school property or the school function.  
**(2)** Contact local law enforcement authorities to assist in removing such individual. The district shall initiate disciplinary action against any individual, 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.

#### **IV. PROHIBITED CONDUCT ON SCHOOL PROPERTY OR CONDUCT THAT OCCURS OFF-SCHOOL PROPERTY THAT CAUSES A DISRUPTION IN THE EDUCATIONAL ENVIRONMENT.**

The Board of Education expects all persons 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 all individuals 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 all conduct while on school property, off school property when it affects the student and/or the school environment or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Individuals 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/individuals may be subject to disciplinary action, up to and including suspension from school or the school property, when they:

- A. **Engage in conduct that is disorderly.** Examples of disorderly conduct include, but are not limited to:
1. Running in hallways or classrooms.
  2. Making unreasonable noise.
  3. Using playing cards, trading cards, toys or hand-held video games during instructional time.
  4. Using language or gestures which are profane, lewd, vulgar or abusive.
  5. Obstructing vehicular or pedestrian traffic.
  6. Engaging in any willful act that disrupts the normal operation of the school community.
  7. Trespassing – All students/individuals are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building or other staff member.
  8. Standing up on the bus when seats are available.
  9. Tilting back on cafeteria or classroom chairs.
  10. Trading or exchanging food in the cafeteria, per health laws.
  11. Selling items without appropriate permission from the office or the school administration.
  12. Inappropriate displays of affection.
  13. Driving a car to school in ninth and tenth grade. Reckless driving by authorized student drivers.
  14. Conducting oneself in a disorderly manner in class, bus or cafeteria, during fire drills, field trips, school sports, at dismissal, at assemblies and at school functions.
  15. Other student behaviors that are contained in the school handbook or agenda.
- B. **Engage in conduct that is insubordinate.** Examples include, but are not limited to:
1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
  4. Skipping class.
  5. Failure to complete homework assignments or copying homework assignments.

6. Other student behaviors that are contained in the school handbook or agenda.
- C. **Engage in conduct that is disruptive.** Examples include, but are not limited to:
1. Failing to comply with the lawful directions of teachers, school administrators, or other school personnel in charge of students.
  2. Being late for school or class.
  3. Being unprepared for class.
  4. Throwing or shooting objects.
  5. Failing to comply with any provision of the district's acceptable use policy or procedure.
  6. Disrupting a class.
  7. Loitering on school grounds after school hours.
  8. Pushing, shoving or causing harm to another person.
  9. Using offensive language.
  10. Writing inappropriate notes or text messages.
  11. Playing practical jokes.
  12. Inappropriate or unreasonable use of a personal cell phone or other electronic devices including, but not limited to, radios, tape players, CD players, MP3 players, I-Pods, I-Pads or tablets, and other personal communication devices.
  13. Electronic devices, including cell phones, is strictly prohibited during classroom instruction (unless permitted by the teacher), classroom tests, state assessments, or any other type of examination
  14. Other student behaviors contained in the school handbook or agenda.
- D. **Engage in conduct that is violent.** Examples include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator, or other school employee.
  2. Committing an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
  3. Possessing a weapon - Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
  8. Fighting or provoking a fight.
  9. Engaging in harassing conduct, verbal threats, intimidation or abuse that causes a student to fear for his physical wellbeing.
  10. Conspiring with any other person to commit any of the above acts.

11. Other student behaviors that are contained in the student handbook or agenda.

- E. **Engage in any conduct that endangers the safety, morals, health or welfare of self or others.** Examples include, but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Acts of sexual harassment as defined in the district's sexual harassment policy.
  4. Selling, using, possessing or distributing obscene material.
  5. Possession of or smoking a cigarette or e-cigarette, cigar, pipe or using chewing or smokeless tobacco. Adults, of legal age, may possess these items but are not permitted to use them on school property.
  6. Obscene gestures and language.
  7. Possession of contraband (illegal goods, items).
  8. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or substances that give the appearance of illegal substances, or being under the influence of either. "Illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  9. Inappropriately using or sharing prescription and over-the-counter drugs.
  10. Stealing, cheating, lying, forgery, or copyright violations.
  11. Downloading unlawful, obscene, pornographic, or abusive material on school computers.
  12. Altering of system software, the placing of unlawful information, computer viruses, or harmful programs on or through the system in either public or private files or messages.
  13. Sharing network, internet, e-mail passwords and locker combinations.
  14. Bullying or the harassment of others, including cyber-bullying of students, staff or other individuals.
  15. Making threatening or harassing telephone calls, sending threatening letters, e-mails, or text messages, taking pictures or video against the will of students, staff members or other individuals.
  16. Other student behaviors that are contained in the student handbook or agenda.
- F. **Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, horseplay, pushing, shoving, foul language, spitting, extension of body parts out the bus window, littering, throwing items out bus windows, damage caused by

misconduct, smoking, eating, drinking, lighting matches or lighters, sexually harassing other students and fighting will not be tolerated. Students/ individuals waiting for buses when not on school property are expected to conduct themselves in accordance with the district's Code of Conduct.

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

Plagiarism; cheating; copying or aiding someone in copying (homework or tests); altering records; violations of the district Acceptable Use Policy for Technology, including the inappropriate use of electronic devices with photographic or text messaging capability; violation of copyright laws; violation of intellectual property rights; and assisting another student in any of the above actions.

- H. **Engage in any form of harassment, discrimination, bullying, or cyberbullying** during school hours or after school hours, during school functions, or at any time on school property. This includes any type of cyberbullying that takes place between students, staff or other individuals. All members of the school community must abide by the policies and procedures of the Dignity for All Students Act.

If an incident occurs that is related to bullying or inappropriate behavior, the following steps must be followed:

- Incidents that occur during the school day should first be addressed at the level of occurrence. For example, if the incident happens in the classroom or in the hallway, the teacher should address the incident. If the teacher needs further assistance in handling the matter, he/she should seek assistance from the school specialists that are familiar with the particular needs of the student, such as the school counselor or the school psychologist. If specific action is taken to assist a student by the school counselor or the school psychologist, they should always contact the parents and work with them to address the matter. When all means of addressing the incident are exhausted and the problem continues, the matter should be brought to the attention of the building administrator and/or the Dignity Act Coordinator.
- All incidents of bullying, discrimination and/or harassment or other types of conflict that occur must be reported to the DAC and the building administrator. Starpoint Central School District shall report, on an annual basis, material incidents of discrimination and/or harassment to the Commissioner of Education by relevant regulations. A complete and thorough investigation of the incident shall occur by the teacher, school principal or assistant principal, depending at what level the incident is handled. If additional assistance is needed, with the approval of the Superintendent of Schools, the school attorney at the Orleans/Niagara BOCES or other legal counsel as retained by the Board of Education can be called to assist with the investigation.

- If it can be determined that the specific incident in question was caused or resulted from bullying or any type of inappropriate behavior, the individual that initiates the bullying or inappropriate behavior may be subject to a greater degree of discipline than the other individual(s) involved in the incident in accordance with this Code of Conduct.
- The student who is determined to be the bully or the student that initiates the inappropriate behavior shall be subject to a mandatory meeting involving the student, his/her parents, and a school administrator to discuss the inappropriateness of bullying activity. In addition, the student will need to attend youth training sessions about bullying behavior and be required to complete a project that requires collaboration to teach cooperation and empathy toward others.
- A Dignity Act Coordinator (DAC) consisting of one or more staff members will be appointed by the Board of Education for each school. The DAC will be available to staff, students, and parents, as needed.

## V. STUDENT RIGHTS AND RESPONSIBILITIES

### It is the students right to:

- attend school in the district in which their parent(s) or legal guardian(s) resides.
- express their opinions verbally or in writing without fear of retaliation.
- dress in such a way as to express their personalities that is also within the guidelines of the school dress code.
- expect that the school will be a safe and orderly place for all students to gain an education.
- be afforded due process in the event of disciplinary action brought against them, including suspension and/or expulsion.
- be represented by a student government selected by free school elections.
- be afforded equal and appropriate educational opportunities.

### It is the student's responsibility to:

- attend school daily, unless legally excused, and on time to all classes.
- be prepared for class and make an effort in each subject.
- express their opinions and ideas in a respectful manner so as not to offend or restrict the rights and privileges of others.
- dress so as not to endanger physical health or safety, limit participation in school activities, or be unduly distracting and comply with the district and/or school building dress code.
- be aware of all rules and expectations regulating student behavior and conduct themselves in accordance with these.
- avoid breaking school rules and/or committing illegal acts and to cooperate with teachers.
- take an active part in student government
- be aware of available educational programs

- be afforded channels of communication to the Board of Education.
- be afforded the opportunity to participate on athletic teams, regardless of sex, pursuant to regulations of the State Education Commissioner and Board of Education.
- be afforded opportunities to participate in extracurricular activities.
- have their student records available for inspection by their parent(s) or legal guardian(s) upon request, or by the students themselves, if 18 years of age or older.
- be free from unreasonable intrusion, as defined by Board of Education policy and procedure, upon their persons or property by school personnel, police agencies and/or other students.
- be free from discriminatory practices, intimidation, harassment, and bullying.
- be respected as individuals entitled to personal dignity.
- district provided instruction in civility, citizenship and character education in accordance with DASA.
- express views concerning the operation of the school system with supporting rationale.
- be physically fit, meet the standards of the team, support the team, and represent high standards of the school.
- be aware of rules & expectations governing participation & conduct themselves in accordance with these.
- be aware of the right to access and guidelines governing such access.
- be aware of actions which constitute serious and dangerous wrong-doing and refrain from such acts.
- refrain from participating in any discriminatory practices against others, in accordance with the Code of Conduct and the Dignity Act. To report and encourage others to report incidents of intimidation, harassment, bullying and/or discrimination.
- demonstrate appreciation for the dignity of all.
- attend and participate in instruction in civility, citizenship and character education including, but not limited to, 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.

## **VI. EXPECTATIONS OF PARENTS**

- Recognize that their children's education is the joint responsibility of the parent/guardian and the school.
- Send their children to school ready to participate, and learn. Ensure that their children attend regularly and are on time.
- Insist that their children are dressed and groomed in accordance with the student dress code.
- Help their children to understand rules and necessity of rules.
- Convey a supportive attitude towards the school, district, and education.
- Build good relationships with teachers, and school staff.
- Help their children deal effectively with school issues.
- Work to maintain open and respectful communication.
- Keep school officials informed about home situations that may affect their children's conduct or performance.
- Provide their children a place to study.
- Teach their children to have respect and dignity for themselves and others.
- Confront and report all issues of discrimination, bullying and harassment to the building administrator and the Dignity Act Coordinator, whether during or after school hours.

## **VII. EXPECTATIONS OF SCHOOL ADMINISTRATION, FACULTY AND STAFF**

- Recognize that children's education is the joint responsibility of the school and the parent/guardian.
- Expect students to participate and learn.
- Require that students attend regularly and are punctual.
- Insist that students dress and are groomed in accordance with the student dress code.
- Know school policies and rules and help students to understand the rules and necessity of rules.
- Convey a supportive attitude towards the school, district, and education.
- Build good relationships with parents, students, and school staff.
- Help students deal effectively with school issues.
- Work to maintain open and respectful communication.
- Be aware of home situations that may affect student conduct or performance.
- Provide a safe and appropriate learning environment.
- Teach students to have respect and dignity for themselves and others.
- Confront and report all issues of discrimination, bullying and harassment to the building administrator and the Dignity Act Coordinator, whether during or after school hours.

## **VIII. STUDENT DRESS CODE**

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

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

1. Be safe, clean, appropriate, suited for the weather conditions, and should not disrupt or interfere with the educational process.
2. Not wear brief garments such as tube tops, tank tops, net tops, halter tops, spaghetti straps, short shorts, or short dresses (mini dresses), plunging necklines (front and/or back), bare midriffs, muscle shirts, sweatshirts with lewd or offensive printing, shirts with alcohol, tobacco or drug messages, and see-through garments.
3. Ensure that underwear is completely covered with outer clothing.
4. Wear footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not wear hats, head scarves, or bandanas in the classroom, except for a medical or religious purpose.
6. Not wear items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, religious practice, gender, ancestry, national origin, sex, sexual orientation, weight, or disability.
7. Not wear items that promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Not cover their head or face, or wear hooded jackets or sweatshirts.

Each building principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. The school principal will be the final authority on what is appropriate. 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, to replace it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including suspension for the day. Students who repeatedly fail to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

## **IX. STRATEGIES FOR THE PREVENTION OF HARASSMENT, DISCRIMINATION AND BULLYING**

### **1. School-Wide Intervention Strategies:**

- a. Set a Tone.* Everyone must know that bullying behavior will not be allowed, and adults and youth will not turn their backs when they witness or are aware of bullying.
- b. Staff Training.* Staff will be trained to understand the difference between normal peer conflict and bully/victim conflict and how to respond appropriately. Staff will administer clear and consistent consequences that are administered in a non-hostile, non-physical way.
- c. Youth Training.* Students will learn about bullying behavior and how to be a part of the solution. Instruction will be provided in civility, citizenship and character education as required under Section 801-a of the Education Law, including, but not limited to, 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 orientation, genders, and sexes.

d. *Get Families Involved.* Hold family meetings with parents of students who bully.

Document all reports and interventions.

e. *Get Communities Involved.* Safe communities make it easier for safe schools to exist.

Partners may be police, Department of Recreation, service clubs, juvenile justice, probation, mental health and social service agencies.

f. Reporting of Incidents. Material incidents of discrimination and/or harassment that occur during the school year shall be reported to the Commissioner of Education.

## 2. Strategies for Classroom Teachers:

a. Provide an environment for discussions and new suggestions related to bullying.

b. Involve students in establishing classroom rules about bullying.

c. Provide classroom activities and discussions related to bullying.

d. Develop a classroom action plan for students so they know what to do when they observe a bully/victim confrontation.

e. Assign projects that require collaboration to teach cooperation.

f. Take immediate action when bullying is observed.

g. Confront the bully in private.

h. Provide protection for bullying victims.

i. Listen receptively to parents who report bullying.

j. Report incidents of discrimination, harassment, and bullying to the building administrator and the DAC.

k. Attend and participate in the district provided DASA training to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functions; including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender identity or sex. The training shall also assist employees to prevent and respond to incidents of harassment and discrimination with an emphasis on discouraging acts of harassment, bullying, and discrimination.

## X. DISCIPLINARY PROCEDURES AND PENALTIES

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:

1. The student's age.

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. The exception to this general rule is in the case where a violent act has been committed.

## **A. PENALTIES**

Individuals who have been found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination with one another. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

[Consequences and disciplinary actions for staff members will be addressed through Board Policies, applicable collective bargaining agreement and New York State Law and Regulations.](#)

1. Verbal warning - Any member of the district staff. Staff should use discretion and respect student's dignity and self-esteem.
2. "Time out period" – a special assignment may occur related to particular incident - teachers, assistant principal, principal.
3. Written warning - bus driver, hall and lunch monitors, safety officers, teachers, assistant principal, principal, Superintendent.
4. Parent notification - teachers, assistant principal, principal, Superintendent.
5. Detention - teachers, assistant principal, principal.
6. In-School Detention/Suspension – assistant principal, principal.
7. Suspension from transportation - principal, Superintendent
8. Suspension from athletic participation - principal, Superintendent.
9. Superintendent's Hearing – principal, assistant principal at the direction of the principal, Superintendent.
10. Suspension from social or extracurricular activities - principal, Superintendent.
11. Suspension of other privileges - principal, Superintendent.
12. Removal from classroom - teachers, assistant principal, principal, Superintendent.
13. Short-term (five days or less) suspension from school - principal, Superintendent.
14. Long-term (more than five days) suspension from school - Superintendent, Board of Education.
15. Permanent suspension from school - Superintendent, Board of Education.

## **B. PROCEDURES**

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what

misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct themselves or by the appropriate staff member. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty.

Students who are to be given penalties other than a verbal warning, written warning or written notification to their parents are entitled to additional due process rights as set forth under New York State Education Law and the Regulations of the Commissioner of Education before the penalty is imposed.

### **1. Detention.**

Teachers, principals, assistant 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. Parental involvement may be needed in this situation.

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

If a student does not conduct himself/herself properly as set forth in this Code of Conduct on a bus, the bus driver is expected to bring such misconduct to the building principal/or designee's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, assistant principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child is transported to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will provide home instruction in accordance with the law. The alternative instruction will take place after school, and for the most part, on school premises. In certain circumstances, the alternative instruction may take place at the student's home.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent(s) will be provided with a reasonable opportunity for an informal conference with the building principal/designee or other district representative at the discretion of the Superintendent of Schools to discuss the conduct and the penalty involved.

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

A student subjected to a suspension from athletic participation, extracurricular activities, or other privileges is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved. At this informal conference, the student or the student's parent will have the right to express his or her opinion, present evidence on his or her behalf and hear the evidence in the matter.

#### **4. Teacher Removal of Disruptive Students.**

A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances, the classroom teacher can control disruptive student behavior by using good management techniques.

When it is necessary to remove a disruptive student so other students can learn a classroom teacher may remove a student from class for up to two days; removal applies to the class of the removing teacher only. If the student does not pose a danger or threat to the academic process, the student must be provided with an explanation of why he/she is being removed and the student must be given an opportunity to present his/her version of the relevant events. If the student does pose a danger, the student should be removed immediately.

In either case, the teacher must complete a district-established referral form and deliver it to the office. The teacher must also meet with the principal/assistant principal as soon as possible, but no later than the beginning of classes on the next school day. Within one day of the incident, the principal or designee must notify the student's parents in writing. Where possible, notice should also be provided by telephone. The notice must inform the parents that they have a right to meet with the principal or designee. The written notice to the parents must be provided by personal delivery, express mail delivery, or some way of assuring receipt of notice by the next day after the student removal.

If, in the informal conference with the parents, the student denies the charges, the student must have a chance to explain his/her version of the relevant events. The informal conference must be held within two days of the student's removal from class. The timing of the informal conference may be extended by mutual agreement of the parent, teacher, and principal/assistant principal. The principal or designee may overturn the removal of the student from class if (1) the charges are not supported by substantial evidence; (2) the removal is in violation of law; (3) the conduct warrants suspension from school pursuant to Education Law section 3214.

If the principal/assistant principal overturns the student removal, it must be done before the close of business on the day after the informal conference. Students removed from class shall be offered continued educational programming and activities until he/she returns to the classroom. Each teacher must keep a complete log for all cases of student removal. The principal/assistant principal must keep a log of all student removals. No teacher can remove a student with a disability until it is verified with the principal or designee that the removal will not violate the student rights under state or federal law or regulation.

Nothing in this section of the Code of Conduct abridges the right or responsibility of a principal to suspend a student. Further, nothing in this Code abridges the right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as "time out" in an elementary classroom or in an administrator's office are not considered removals from class. The removal process should not become a substitute for good classroom management.

## 5. Suspension from School.

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

- 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, will gather the facts relevant to the matter, and record them for subsequent presentation, if necessary.

### a. Short-term (five days or less) suspension from school

When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with prohibited conduct **for five days or less** pursuant to Education Law §3214(3), the suspending authority must:

- Immediately notify the student orally.
- If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension.
- The suspending authority must also notify the student's parents in writing that the student may be suspended from school.
- The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension. Where possible, notice should also be provided by telephone.
- The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. In this informal conference, the student or the student's parent will have the right to express his or her opinion, present evidence on his or her behalf and hear the evidence in the matter. The student or parent(s) will also have the right to question witnesses in the action against the student.
- 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 after the suspension but as soon as practicable.
- After the conference, the principal shall promptly advise the parents in writing of his or her decision.
- The principal shall advise the parents that, if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent of Schools within ten business days of the date of the decision.
- If an appeal of the Superintendent's decision is desired, one may be made to the Board of Education within ten business days of the date of the Superintendent's decision.
- Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

**b. Superintendent's Hearing --Long-term (more than five days) suspension from school**

When the Superintendent or building principal determines that a suspension for **more than five days** may be warranted, the Superintendent shall do the following in compliance with §3214(3) of the Education Law:

- He or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.
- At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.
- The Superintendent or designee shall personally hear and conduct the hearing.
- The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her.
- A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record.
- The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline.
- The report of the hearing officer, if written by the designee, shall be advisory only, and the Superintendent may accept all or any part thereof.
- An appeal of the decision of the Superintendent may be made to the Board of Education.
- 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.
- The Board may adopt in whole or in part the decision of the Superintendent.
- Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### **c. Permanent suspension**

Permanent suspension is reserved for extraordinary circumstances 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.

## **C. MINIMUM PERIODS OF SUSPENSION**

### **1. Students who bring a weapon to school.**

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

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

The Superintendent is required to refer the following students to the county attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court or other appropriate authority:

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

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine gun or loaded firearm (as defined in Section 265.00 of the Penal Law) on school grounds (as defined in Section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under Section 1.20 of the Criminal Procedure Law.

A student with a disability may be suspended only in accordance with the requirements of §3214(3) of the Education Law and any other applicable state and federal laws and regulations.

## **2. Students who commit violent acts other than bringing a weapon to school.**

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property shall:

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

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

Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) **on four or more occasions during a semester, or three or more occasions during a trimester**, will be:

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

## **XI. REPORTING VIOLATIONS OF THE CODE OF CONDUCT and the DIGNITY FOR ALL STUDENTS ACT (DASA)**

Any teacher, staff member, parent, community member or student can report a violation of the Code of Conduct and DASA. Violations of the Code of Conduct and DASA should be handled at the level of occurrence. For example, if the incident happens in the classroom or in the hallway, the teacher should address the incident. If the teacher needs further assistance in handling the matter, he/she should seek assistance from the school specialists who are familiar with the particular needs of the student such as the school counselor, the school psychologist, or the Dignity Act Coordinator. If specific action is taken to assist a student by the school counselor or the school psychologist, they should always contact the parents and work with them to address the matter. When all means of addressing the incident are exhausted and the problem continues, the matter should be brought to the attention of the school administrator. If the violation is a material incident of discrimination, harassment, or bullying it must be reported to the DAC and the Superintendent of Schools. The report must be in writing and signed by the reporting individual within two school days of the incident. Reports can be filed by staff, parents or other students. Whenever a violation to the district's Code of Conduct and/or the Dignity for All Students Act is reported, a full investigation by the appropriate administrator/teacher will be conducted. The Dignity Act Coordinator will be informed of violations of the Dignity Act and will be available as needed.

Any individual observing another individual possessing a weapon, or any object that could cause harm to an individual, alcohol or alcohol substitute, illegal substance or any substance actually having the appearance of being illegal, on school property or at a school function shall report this information immediately to a teacher, the building administrator or the Superintendent. Any weapons or any object that could cause harm to an individual, alcohol or alcohol substitute, or illegal substances or any substance actually having the appearance of being illegal, found shall be confiscated immediately followed by notification to the parent of the student/or individual involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

- The building principal must notify the appropriate local law enforcement agency of those Code violations that constitute a possible crime and substantially affect the order or security of the school as soon as practical.
- The notification may be made by telephone, followed by a letter mailed on same day the telephone call is made.
- The notification must identify the student(s) and explain the conduct that violated the Code of Conduct and constitutes a possible crime.

### **Protection of people who report harassment, bullying or discrimination.**

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials or to law enforcement authorities, shall have immunity from any civil liability

that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. The school district or its employees shall not take or cause any retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

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

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities 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.

If the conduct of a student is related to a disability or suspected disability, the Committee on Special Education will be notified and if warranted, appropriate action shall be implemented in accordance with Board of Education Policy 7313 and §3214 of the Education Law.

## **XIII. EMERGENCY INTERVENTIONS WITH STUDENTS WITH DISABILITIES**

Emergency means a situation in which immediate intervention involving the use of reasonable physical force is necessary to protect oneself from physical injury; to protect another pupil or teacher or any person from physical injury; to protect the property of the school, school district or others; or to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school or school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

Emergency interventions must be used only in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed. Emergency interventions must not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

The school must maintain documentation on the use of emergency interventions for each student, which must include:

- the name and date of birth of the student;
- the setting and the location of the incident;
- the name of the staff or other persons involved;
- a description of the incident and the emergency intervention used, including duration;
- a statement as to whether the student has a current behavioral intervention plan; and
- details of any injuries sustained by students or staff, as a result of the incident.

The parent of the student must be notified when an emergency intervention has been used with his/her child. The documentation of emergency interventions must be reviewed by school supervisory personnel and, as necessary, the school nurse or other medical personnel.

Staff who may be called upon to implement emergency interventions must be provided with appropriate training in safe and effective restraint procedures, as applicable. Police and other authorities may be contacted as appropriate in such situations.

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

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned. Parents will be contacted by a school administrator regarding the questioning of their student as soon as practicable.

In addition, the Board authorizes the Superintendent, building principals, assistant principals, school nurse, and district security officials to conduct searches of students and their belongings if there is reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, as long as the school official has a legitimate reason for the very limited search and the search is reasonable under the circumstances.

An authorized school official may search a student or the student's belongings based upon information received from reliable sources.

Before searching a student or the student's belongings based upon a reasonable belief under the totality of the circumstances, the authorized school official will engage the student about the potential violations of the Code of Conduct and the status of the investigation. The student may voluntarily consent to the search. Searches will be limited to the extent necessary and reasonable. Whenever practical, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

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

The rules in this Code of Conduct regarding searches of students and their belongings do apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places, and school officials retain complete control over them. This means that student lockers, desks, and other school storage places may be subject to search at any time by

school officials, without prior notice to students and without their consent. Whenever practicable, however, the District will attempt to have the student present during a search of lockers and other school storage places as may be appropriate.

## **B. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, jacket or shoes. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception would be when the school official believes there is an emergency situation that could threaten the safety of the student or others. In such situations, however, law enforcement authorities will be contacted as appropriate and/or necessary.

Strip searches shall only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student in a separate isolated area.

Before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search or in writing after the fact if the parent could not be reached by telephone.

## **C. Documentation of Searches**

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

1. Name, age, and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner, and results of parental notification.

The building principal or the Superintendent of Schools shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a

student. The Superintendent of Schools shall retain control of the items, unless the items are turned over to the appropriate law enforcement authorities. The building principal or Superintendent of Schools shall be responsible for personally delivering dangerous or illegal items to police authorities.

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

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

1. A search or an arrest warrant.
2. Probable cause to believe a crime has been committed on school property or at a school function, or
3. Been invited by school officials based upon appropriate and reasonable circumstances.

If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, by the building principal or designee as soon thereafter as possible. The building principal or designee will also be present, as practicable and/or appropriate, during any police questioning or search of a student on school property or at a school function.

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

Consistent with the district's commitment to keep students safe from harm, the Board of Education has adopted policy #7530, *Child Abuse and Neglect/Maltreatment*. The Board has the understanding that this policy complies with the law and is to be followed in all cases of suspected child abuse, neglect or maltreatment.

### **XV. THE PINS DIVERSION PROCESS AND REFERRAL**

A child under the age of 18, who does not attend school, behaves in a way that is dangerous or out of control, or often disobeys parents, guardians or other authorities, may be found to be a Person in Need of Supervision or "PINS." All PINS proceedings are heard in Family Court.

Prior to a PINS referral, a **PINS Diversion** application must be filed with the Niagara County Department of Probation. The Probation Department attempts to "divert" the case from court proceedings by a probation officer meeting with the family. Referrals may be recommended to various community or governmental programs. If the matter is "diverted," no petition is filed with the court. If the diversion is not successful, the complaining party can then file a PINS petition with the court.

Parents/guardians primarily file PINS Diversion referrals; however, referrals can also be filed by school officials, police officers or other authorized agencies as may be appropriate and necessary under individual circumstances.

## **XVI. PUBLICATION, DISTRIBUTION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the Code to all students, in age-appropriate, plain language version, at a school assembly held at the beginning of each school year. (This may be included in the student handbook/agenda).
2. Ensuring that the Code of Conduct and plain language summary are posted on the district's website.
3. Providing a copy of the Code of Conduct and copies of amendments to all current teachers and other staff members as soon as practical after adoption by the Board of Education.
4. Providing all new employees with a copy of the current Code of Conduct when they are hired.
5. Making copies of the Code of Conduct available to all parents at the beginning of the school year. (This may be included in the student handbook/agenda).
6. Providing a summary of the Code of Conduct, in plain language, to all parents of students, at the beginning of the school year, and later, upon request.
7. Making copies available for review by students, parents, and other community members, with opportunities to review and discuss the Code with appropriate personnel.

On an annual basis, the Code of Conduct will be publicized on the district website for review by all parents and guardians. A copy of the Code will be filed in each school building where it will be available for review by any individual.

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

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

The Board will appoint an advisory committee to assist in reviewing the Code and the district's response to Code of Conduct violations. The committee will be made up of

representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

**B. Public Hearing:**

Pursuant to Education Law Section 2801 (5), a school board can only approve an amended Code of Conduct after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Furthermore, in order to comply with Education Law Section 2801 (5)(b), any amendments need to be filed with the Commissioner no later than thirty (30) days after adoption.