

**CHEEKTOWAGA-MARYVALE  
UNION FREE SCHOOL DISTRICT  
*CODE OF CONDUCT***

*2017-18*

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**I. INTRODUCTION**

The Board of Education of the Cheektowaga-Maryvale School District is committed to providing a safe and orderly educational environment to enable its students, staff and community members to grow as responsible, productive and involved citizens. The Board of Education is also committed to maintaining in the schools a climate of mutual respect and dignity to promote learning in a safe environment. Responsible behavior by students, teachers, other district personnel, parents and all visitors is essential to achieving this goal.

The Board of Education recognizes that our expectations for acceptable conduct while at school and at school-related functions must be clearly defined and communicated to our constituents, as should the possible consequences for unacceptable behavior. The Board also recognizes the need, when necessary, to ensure the prompt and fair administration of discipline. To that end, the Board of Education of the Cheektowaga-Maryvale School District adopts this “Code of Conduct”.

The Code of Conduct contains provisions prohibiting discrimination, harassment, bullying and/or cyberbullying against any student, by employees or students on school property or at any school function, that creates a hostile environment by conduct of such a severe nature that:

1. Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her safety; or
3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. 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, or intimidation or abuse might reach school property.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11 (6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law Sections 3201-a or 2854 (2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973.

Unless otherwise indicated, the Code of Conduct applies to all students, school personnel, parents 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 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.

*“Parent”* or *“Guardian”* means person in parental relation to a student.

*“School Day”* means any day of required pupil attendance. Unless preceded by the word “calendar”, “day” means a school day.

*“Student support service personnel”* means staff who provide educationally related services to students including counselors, social workers, psychologists, nurses, speech, physical and occupational therapists, as well as other health-related personnel.

*“Designee”* means a person chosen to perform a job, duty, or task at the direction of an administrator or supervisor. This person takes on the duties and responsibilities of enforcing the Code of Conduct throughout school functions

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at 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 student, 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 §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause, or in an effort to cause, physical injury or death.

*“Firearm”* as defined by Gun-Free School Act (18 USC Section 921) means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any “destructive device” (i.e., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

In accordance with the **Dignity for All Students Act (DASA)**, School District policy and practice must ensure that no student is subject to discrimination, harassment, bullying, or cyberbullying, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

The **District Policy** regarding DASA and the **DASA Complaint Form** can be found in Appendix A and B of this Code of Conduct. Electronic versions of these documents and additional information on concerning DASA are on the district website.

Any student or parent that feels that a violation of DASA has been committed should complete the **DASA Complaint Form** and submit it to the **Dignity Coordinator** for the appropriate school or to any building or district administrator.

The **Dignity Coordinators** for each building are:

**Primary School:** Ms. Suzanne Dell'Oso @ 685-5815

**Intermediate School:** Ms. Courtney Nuchereno @ 631-7486

**Middle School:** Ms. Kelly Shaver @ 631-7413

**High School:** Ms. Kelly Squires @ 631-7456.

**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 (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned 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 Section 11[1] and Vehicle and Traffic Law Section 142).

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**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 Section 11[4] and Executive Law Section 292[21]).

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

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

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

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

Under the Dignity Act, there are currently 11 protected classes, groups or characteristics. The Dignity Act prohibits any discrimination based on actual or perceived characteristics.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

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

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the

group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### Students Rights

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

1. Take part in all District activities on an equal basis regardless of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11 (6), or sex.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Expect a school environment that is conducive to learning.
5. Students have the right to be informed of current academic standing in their classes.
6. Be treated respectfully by those in the school community.
7. To be protected from intimidation, harassment, bullying (including cyberbullying) or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity; or occurring 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, or intimidation or abuse might reach school property.

### **Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Complete homework thoroughly regularly and turned in on time.
6. Respond, in a respectful, positive manner to directions and directives given by teachers, administrators and other school personnel.
7. Control their emotions and behavior
8. Ask questions when they do not understand.
9. Seek help in solving problems that might lead to disciplinary action.
10. Dress appropriately for school and school functions.
11. Accept responsibility for their actions.
12. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
13. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, bullying, cyberbullying or discrimination. To report and encourage others, to report any incidents of intimidation, harassment, bullying, cyberbullying, or discrimination.

## **IV. ROLE OF EDUCATION PARTNERS**

### **Parents**

All Parents are expected to:

1. Recognize that the education of their children is the responsibility of the parents, students and the school community.
2. Send their children to school as required by New York State School Law.
3. Make certain their children's attendance at school is regular, punctual and all absences are properly excused.
4. Insist their children be dressed and groomed in compliance with school rules of sanitation and safety, and in a fashion that will not disrupt classroom procedures.
5. Be sure that their children are free of communicable illness or condition (i.e., strep throat) and are well rested and ready for school.
6. Know and understand the rules their children are expected to observe at school. Be aware of the consequences for violation of these rules; and accept legal responsibility for their children's actions.
7. Convey to their children a supportive attitude towards education and the District.
8. Teach their children, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
9. Become acquainted with their children's school, its staff, curriculum and activities. This may include attending parent-teacher conferences, meetings, school functions and contacting school staff regarding concerns.
10. Support and encourage their children in extra curricular activities including athletics.
11. Provide accurate family information (e.g., address, phone numbers, emergency contacts, legal custody orders, etc.) and inform school officials of changes in the home situation that may affect student conduct or performance.
12. Help their children deal effectively with peer pressure.
13. Build good relationships with teachers, other parents and their children's friends.
14. Be involved with school activities and volunteer when possible.
15. Provide a place for study and ensure homework assignments are completed and turned in on time.

16. Demonstrate dependability, integrity and other standards of ethical conduct, including monitoring your minor child's use of social media and encouraging students to be responsible in their use of electronic communication.
17. Ensure their children are familiar with the Code of Conduct and comply with the relevant portions of the Code of Conduct.
18. Comply with the relevant portions of the Code of Conduct for parents, visitors, etc.
19. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

### **Staff Members**

All Staff Members are expected to:

1. Promote a safe, orderly and stimulating school environment, support active teaching and learning.
2. Maintain confidentiality about all personal information and educational records concerning students and their families.
3. Demonstrate dependability, integrity, and other standards of ethical conduct.
4. Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
5. Know and comply with all school policies and rules.
6. Be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on the school campus and at all school-sponsored activities.
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
8. Report incidents of discrimination, harassment, bullying, or cyberbullying, that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **Teachers**

All Teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Demonstrate a personal enthusiasm for teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
3. Know and comply with all school policies and rules.
4. Promote and provide a safe orderly learning environment.
5. Be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on the school campus and at all school-sponsored activities.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement, their expectations for students and their classroom discipline plan.
7. Be knowledgeable of effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
8. Maintain confidentiality about all personal information and educational records concerning students and their families.
9. Demonstrate dependability, integrity and other standards of ethical conduct.
10. Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
11. Help students deal effectively with peer pressure, bullying and emerging personal, social and emotional problems.
12. Report incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

## **Building Administrators**

All Building Administrators are expected to:

1. Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning.
2. Organize school schedules and teaching assignments.

3. Require effective classroom management and instruction.
4. Ensure that a building-wide behavior management system is created and supported when required to meet the needs of students enrolled in their building.
5. Be knowledgeable of effective classroom behavior/building management techniques, and the non-violent crisis intervention philosophy and techniques and assure their utilization in the building.
6. Maintain confidentiality about all personal information and educational records concerning students and their families.
7. Demonstrate dependability, integrity, and other standards of ethical conduct.
8. Follow the chain of command for various administrative procedures referenced in this Code of Conduct.
9. Be fair, firm and consistent in all decisions affecting students, parents and staff.
10. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
12. Follow up on any incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

### **Superintendent and District Administrators**

The Superintendent and District Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Demonstrate dependability, integrity, and other standards of ethical conduct.
3. Support the staff charged with the responsibility for enforcing discipline in accordance with District policy and New York State law.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school function.

5. Carry out the duties and responsibilities set forth in this Code and comply with all other relevant portions of the Code.
6. Offer guidance and education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidance on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.
7. Refer any incidents of discrimination, harassment, bullying, or cyberbullying that are witnessed or otherwise brought to the Superintendent or District Administrator's attention in a timely manner to the appropriate Dignity Act Coordinator (DAC).

### **Board of Education**

1. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
2. Conduct Board meetings in a professional, respectful and courteous manner.
3. Carry out the duties and responsibilities set forth in this Code and comply with all other relevant portions of the Code.
4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

## **V. STUDENT DRESS CODE**

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

When on school property or at a school function, a student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Undergarments, including bra straps and underwear shall not be visible. See through garments, that expose cleavage and bare shoulders, backs and midriffs are not permitted.

Shorts, skirts, dresses in any variation should be within two inches of the student's longest finger when extended and relaxed at their side.

3. Pajama/Flannel fleece pants are not permitted.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of headwear (including but not limited to hats, visors, caps, do-rags, bandanas and hoods) of any kind in the classroom except for a medical or religious purpose.
6. Not include the wearing of outside jackets or backpacks in the school building except for entering or leaving the building. An exception to this can be made by the Administrator.
7. Not include the wearing of hazardous jewelry (including but not limited to spiked jewelry, collars, bracelets and wallet chains).
8. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, or disability.
9. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal, violent or sexual activities.
10. Not include clothing that is associated with or identifiable as a symbol of a gang or street club.
11. Building administrators reserve the right to modify the dress code in a school year in order to keep current with trends not yet reviewed by the Code of Conduct Sub-Committee. Each building administrator 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.
12. Students who violate the student dress code shall be required to modify their appearance by covering or removing the item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to disciplinary action in accordance with this Code.

## **VI. PROHIBITED STUDENT CONDUCT**

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. There may

be additional building level rules and/or procedures to be aware of regarding student conduct. 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 when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct may include but are not limited to:
1. Making inappropriate and/or unreasonable noise
  2. Use or display of mobile device or cell phone during school hours or during required after school instruction. An exception to this rule may be made by the Administrator/teacher. (The District is not responsible for any lost or stolen electronic device brought on to District property by a student or any other visitor).
  3. Possession of electronic devices including but not limited to laser pointers, MP3 players, PSP, CD players, etc. during school hours. An exception for the use of electronic devices may be made by the administrator and/or classroom teacher. (The District is not responsible for any lost or stolen electronic device brought on to District property by a student or any other visitor).
  4. Using language or gestures that are profane, lewd, vulgar or abusive.
  5. Obstructing vehicular or pedestrian traffic
  6. Inappropriate show of affection
  7. Engaging in any willful act which disrupts the normal operation of the school community.
  8. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Students are not permitted to remain in any school building or enter any school building before or after the regular student day.
  9. Misusing computer/electronic communications including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy.
  10. Loitering on school premises.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include but are not limited to:
1. Failing to comply with the directions of teachers, school administrators or any other school employee or otherwise demonstrating disrespect.
  2. Leaving school property or a school function without permission, or without following the proper procedure.

3. Skipping an assigned class, detention or disciplinary action.
  4. Persistent unexcused tardiness, in accordance to the district attendance policy.
  5. Smoking on school property or at school functions, including electronic cigarettes.
- C. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
1. Committing, attempting or threatening an act of violence (such as, but not limited to hitting, kicking, punching or scratching) upon a teacher, administrator or other school employee.
  2. Committing, attempting or threatening an act of violence (such as, but not limited to 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. Using or threatening to use any weapon, or any object as a weapon.
  6. Intentionally damaging or destroying, or threatening to damage or destroy the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, which includes but is not limited to graffiti, vandalism, or arson.
  7. Intentionally damaging, destroying, threatening or attempting to destroy school District property. (Arson, bombs, anthrax, bio or chemical agents.)
  8. Fighting and/or using any form of physical force against another person.
  9. Instigating, initiating or encouraging a fight or the use of any form of physical force against another person.
- D. Engage in any conduct that endangers the safety, morals, health or welfare of himself/herself and/or others.  
Examples of such conduct include but are not limited to:
1. Lying to school personnel.
  2. Forgery. (i.e., teacher signatures on passes, guardian signatures on notes, etc.)
  3. Pass misconduct. (i.e., changing times, destination, using another student's pass, etc.)
  4. Stealing or possessing stolen property or unauthorized possession of property of other students, school personnel or any other person lawfully on school property or attending a school function.
  5. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the

identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).

6. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity; marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
7. Harassment, Bullying, or Cyberbullying is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing or occurring 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, or intimidation or abuse might reach school property which is based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender of sex. activity
8. Sexual harassment, which includes overt and subtle behaviors and comments that are sexual in nature which are offensive or reasonably perceived by an individual as sexual harassment. [See Policy #7531 Sexual Harassment (Students)]
9. Bullying and intimidation, which includes engaging in actions or statements that put An individual in fear of bodily harm and/or emotional discomfort: for example, play fighting, horseplay, teasing, etc.
10. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
11. Threatening statements/comments made to or about any member of the Maryvale community or the Maryvale School District.
12. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, or intimidation or abuse might reach school property; or (b) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (c) results in material or substantial disruption to the educational environment.
13. 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.
14. Displaying signs of gang affiliation or engaging in gang-related behaviors.

15. Posting information or images regarding Maryvale School community members on web-based information platforms without prior authorization in ways that disrupts the educational environment.
  16. Possession of inappropriate images or documents on any medium.
  17. Distributing, creating, using or possessing obscene material.
  18. Using vulgar or abusive language, cursing or swearing.
  19. Possessing or smoking a cigarette, cigar, pipe, electronic cigarette or using chewing or smokeless tobacco.
  20. Buying, possessing, hiding, consuming, selling, distributing or exchanging, or assisting/attempting to do so, alcoholic beverages, illegal substances or drug paraphernalia, or being under the influence of either, “illegal substances” including, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
  21. Buying, possessing, hiding, consuming, selling, distributing or exchanging, or assisting/attempting to do so, prescription and over-the-counter drugs.
  22. Gambling or gambling related activities, including gambling paraphernalia.
  23. Extortion (The act of getting money by threat or misuse of authority).
  24. Inappropriate touching and/or revealing of private parts of the body.
  25. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, discharging a fire extinguisher or tampering with emergency equipment including an Automatic External Defibrillator (AED).
  26. Distributing, using or possessing fireworks.
  27. Misuse of automobiles on school property.
  28. Bypassing the District access control system in any way (i.e., propping doors, tampering with video equipment, etc.)
  29. Blocking any exit without authorization.
- E. 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, pushing, shoving and fighting will not be tolerated.
- F. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:

1. Plagiarism
2. Cheating
3. Copying
4. Altering records
5. Non-compliance with homework/class work procedures
6. Assisting another student in any of the above actions

G. Instigate or encourage another person to violate this Code of Conduct

## **VII. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, or a building administrator. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the Superintendent.

All District staff 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 of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building administrator must notify the appropriate local law enforcement agency of those code violations that constitute a crime and which in his/her judgment substantially affect the order or security of a school as soon as practical. This report should be done no later than the close of business the day the building administrator learns of the violation. The notification may be made by telephone or a direct report followed by a letter mailed on same day. The notification must identify the student and explain the conduct that violated the Code of Conduct which constitutes or may constitute a crime.

## **VIII. DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

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

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 (including its impact on others) and the circumstances which led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that generally a student's first violation will usually merit a lesser penalty than subsequent violations, taking into account all factors relevant to the severity of the current violation. The particular circumstances of a violation may, however, warrant a severe form of disciplinary action even if it is the student's first offense.

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

Violations of DASA will be fully investigated by the Dignity Coordinators and/or building administrators. In addition to the possible penalties described below, violators of DASA may be asked to participate in conflict resolution, counseling and/or some other educational program regarding their specific violation. Additionally, such programs as Rachel's Challenge and Positive Behavioral Interventions and Supports (PBIS) will be used to educate students on diversity and proactively prevent such violations. The Dignity Coordinators and/or building administrators will also follow-up with the victims and violators or DASA after the attempted resolution to ensure that the violations have ceased.

### **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 after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the District staff, bus drivers, crossing guards and other authorized individuals at school functions.
2. Written referrals – any member of the District staff, bus drivers, crossing guards and other authorized individuals at school functions.
3. Written notification to parent – teachers, administrators, coaches and student support personnel.

4. Phone calls to parents – teachers, student support personnel, coaches and administrators.
5. Escorting students to class.
6. Loss of privileges – teachers, student support personnel, coaches and administrators.
7. Academic penalty – teachers (as related to academic misconduct, e.g., giving a zero on an assignment for cheating)
8. Confiscation of items –teachers, student support personnel, coaches and administrators
9. Community and/or Volunteer Service – administrator, teachers, student support personnel, coaches and administrators
10. Participation in self-help group activity – teachers, student support personnel, coaches and administrators
11. Letter of apology – teachers, student support personnel, coaches and administrators
12. Payment of damages/restitution – administrator
13. Parental shadowing – administrator
14. Detention – administrators, teachers
15. Suspension from transportation – administrator
16. Suspension from athletic participation – athletic director, coaches, administrators
17. Suspension from social and/or extracurricular activities – administrator
18. Suspension of other privileges – administrator
19. In-school suspension – administrator
20. Removal from classroom by teacher – teachers, administrator
21. Short-term (five days or less) suspension from school – administrator, superintendent
22. Long-term (more than five days) suspension from school – superintendent
23. Permanent suspension from school – superintendent
24. Referral to appropriate law enforcement agency. - administrator
25. Legal action. - superintendent

## Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. 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. It is the student's or student's parent's obligation to make such request to be heard.

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

### 1. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building administrator or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the procedures of §3214 will be followed.

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

### 2. Suspension from athletic participation, extra curricular activities and other privileges

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

### 3. 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 administrators/designee 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 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.

#### 4. 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. Techniques may include directing the student to sit in a designated area of the room ("time out") or briefly leaving the classroom to give the student an opportunity to regain his or her composure/self control under the supervision of an aide or other adult supervisor. Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. Examples include but are not limited to repeated instances of speaking loudly or disrespectfully to the teacher or others, speaking out of turn, leaving his or her seat without permission, physical contact with another, throwing items, etc.

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

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

#### **The procedural requirements for a formal removal by a teacher of a student are:**

- (1) If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being formally removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher formally remove a student from class.
- (2) If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and gives the student a chance to present his or her version of the relevant events within 24-hours.
- (3) The teacher must complete a District form for a formal removal by a teacher and meet with the building administrator as soon as possible, but no later than the end of the school day, to explain

the circumstances of the formal removal and to present the form for a formal removal by a teacher. If the building administrator or designee is not available by the end of the same day, the teacher must leave the form with the secretary and meet with the building administrator or designee prior to the beginning of classes on the next school day.

- (4) Within 24-hours after the student's formal removal by a teacher, the building administrator or another District administrator designated by the building administrator must notify the student's parents, in writing, that the student has been formally removed from the class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the building administrator to discuss the reasons for the formal removal.
- (5) The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal at the last known address of the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- (6) The building administrator may require the teacher who ordered the formal removal to attend the informal conference.
- (7) If at the informal meeting the student denies the charges, the building administrator must explain why the student was formally removed and give the students and the student's parents a chance to present the student's version of the relevant events. The building administrator will schedule the informal meeting to be held within 48 hours of the student's formal removal. The timing of the informal meeting may be extended by mutual agreement of the parent and administrator.
- (8) The administrator may overturn the formal removal of the student from class if any one of the following are found:
  - (a) The charges against the student are not supported by substantial evidence.
  - (b) The student's formal removal is otherwise in violation of law, including the District's Code of Conduct.
  - (c) The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.
- (9) The building administrator may overturn a formal removal by a teacher at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student formally removed from the classroom by the classroom teacher will be permitted to return to the classroom until the building administrator makes a final determination, or the period of the formal removal expires, whichever occurs first.

- (10) Any disruptive student who is formally removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by a certified teacher until the student is permitted to return to the classroom.
- (11) Each teacher must keep a complete log (on a District provided form) for all cases of formal removal of students from his or her class. The building administrator must keep a log on a District provided form of all formal removals of students from class

## 5. Suspension from school

Suspension from school is a significant 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 administrators.

Any staff member may recommend to the Superintendent or the building administrator that a student be suspended. All staff members must immediately report and refer a violent student to the building administrator 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 and in no event later than the end of the next school day.

The Superintendent or building administrator, 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.

These procedures are also applicable where the student is suspended by an administrator from only one (or more) class(es) rather than from his or her entire educational program.

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

When the Superintendent or building administrator (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The written notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the building administrator. Both the notice and informal conference shall

be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the building administrator may established.

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 building administrator shall promptly advise the parents in writing of his or her decision. The building administrator shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District clerk within 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.

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

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

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept, reject or modify 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 can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

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

## **Minimum Periods of Suspension**

Minimum periods of suspension will be established, in accordance with Education Law and this Code of Conduct, for students who fall into any of the following three categories:

1. **Students who bring a firearm to school** (as defined by the Gun-Free Schools Act 18 USC Section 921)

Any student, including a student with a disability where no nexus exists, 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 Section 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. Extenuating circumstances.

2. **Students who commit violent acts**

Any student, including a student with a disability where no nexus exists, who is found to have committed a violent act, shall be subject to suspension from school for at least three days. If the proposed penalty is the minimum three-day suspension, the student and the student's parents 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 three-day suspension, the student and the student's parents 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 three-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.

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

Any student, including a student with a disability where no nexus exists, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom will be suspended from school for at least three days. For purposes of this Code of Conduct, “repeatedly substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Sections 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum three-day suspension, the student and the student’s parent will be given the opportunity for an informal conference.

**Referrals**

Counseling

It is expected that most inappropriate student behavior in the classroom will be addressed by the teacher, in accordance with the teacher’s individual discipline plan.

When the student’s behavior has reached a level of disruption whereby administrative intervention is warranted, detention or in-school suspension may result. In addition, a referral may be made to the student’s school counselor.

If disruptive behavior continues, the student may be referred to the Student Support Team. Among other recommendations, the SST may make a recommendation for counseling in the community. Student Services will handle all referral of students to counseling.

PINS Petition/Erie County Family Services Team

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

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
2. 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.

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:

1. Any student under the age of 16 who is found to have brought a weapon to school, or

2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure law 1.20(42).
3. Any students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status.

## **IX. ALTERNATIVE INSTRUCTION/CONTINUOUS EDUCATIONAL PROGRAMMING**

When a student of any age is removed from class by a teacher, or a student of compulsory attendance age is suspended from school pursuant to Education Law Section 3214, the building administrator will take immediate steps to provide alternative means of instruction for the student.

## **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.

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

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A “suspension” means a suspension pursuant to Education Law Section 3214.

A “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.

An “IAES” means a temporary educational placement determined by the CSE 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.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- a) The Superintendent of Schools or a building administrator may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior. 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.
- c) 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, inflicts serious bodily injury, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

(1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. Section 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.

(2) “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.

(3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational

placement poses a risk of harm or substantial likelihood of injury to the student or others. A court also may order such a student to be placed in an IAES.

### **Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a) for more than 10 consecutive school days; or
  - b) for more than 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

to the extent the committee determines necessary.

- b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action 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 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.
    - a) The Superintendent, building administrator 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.

Students presumed to have a disability for discipline purposes.

(a) *General provision.* The parent of a student who has violated any rule or code of conduct of the school district and was not identified as a student with a disability at the time of such behavior may assert any of the protections set forth in 34 C.F.R. part 300 (Code of Federal Regulations, 1999 edition, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328: 1999- available at the Office of Vocational and Educational Services for Individuals With Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234) or in this Part, if the school district is deemed to have had knowledge as is determined in accordance with subdivision (b) of this section, that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Where the school district is deemed to have had knowledge that the student was a student with a disability before such behavior occurred, such student is a "student presumed to have a disability for discipline purposes."

(b) *Basis of knowledge.* Except as otherwise provided in subdivision © of this section, a school district shall be deemed to have knowledge that such student had a disability if prior to the time the behavior occurred:

- (1) the parent 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 does not know how to write or has a disability that prevents a written statement; or

(2) the parent of the student has requested an evaluation of the student pursuant to section 200.4 or 200.16 of this Title; or

(3) a teacher of the student, or other personnel of the school district, has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the school district or to other supervisory personnel of the school district in accordance with the district's established child find or special education referral system.

b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:

(1) conducted an individual evaluation and determined that the student is not a student with a disability, or

(2) determined that an evaluation was not necessary and provided notice to the parents 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 measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents 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.

### **Expedited Due Process Hearings**

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:
  - a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b) The parent 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.
    - (1) 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 and the District agree otherwise.
    - (2) 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, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

### **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. No District employee or agent of the District shall use Corporal punishment against a student.

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

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

Whenever a school employee uses physical force against a student, the employee shall, within the same school day, make a report to the Superintendent of Schools describing in detail the circumstances and the nature of the action taken.

The Board of Education shall submit a written report semi-annually to the Commissioner of Education, pursuant to the commissioner's Regulations. [8NYCRR 100.2(2) (3)].

## **XII. 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.

In addition, the Board authorizes administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District 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, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

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

Whenever practical, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

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

### **Documentation of Searches**

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

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Persons conducting search and his or her title(s) and position(s).
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 administrator shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The building administrator shall clearly label each item taken from the student and retain control of the item(s), until the items is properly disposed of or turned over to the police.

## Police 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 interrogate 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 interrogate or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Received a report a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

If the above circumstances do not apply, before police officials are permitted to interrogate or search any student, the building administrator shall first try to notify the student's parent or legal guardian to give the parent or legal guardian the opportunity to be present during the police interrogation or search. If the student's parent cannot reasonably be contacted prior to the police interrogation or search, the interrogation or search shall not be conducted. The building administrator or designee will also be present during any police interrogation or search of a student on school property or at a school function.

## **XIII. VISITORS TO THE SCHOOLS**

The Board of Education, building administrators, and teachers encourage parents/guardians, community members and other appropriate individuals to visit the Maryvale 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 administrator is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school are required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn and visible at all times while in the school or on school grounds. The visitor must return the identification badge before signing out and leaving the building.
3. Visitors attending school functions during non-school hours that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register. Any classroom visitations are required to be scheduled in advance with the teacher, so that class disruption is kept as a minimum. The purpose of the visit will be made clear at that time in order to facilitate appropriate arrangements.

4. During a classroom visitation, teachers will not take class time to discuss individual matters with visitors.
5. If a staff member notices that a visitor does not have an identification badge, he/she should report the occurrence to the building administrator. Any unauthorized person on school property will be asked to leave. The police may be called if the situation warrants.
6. Before a non-school person may take a child from the building, the visitor must be identified by the building administrator as one having the legal right to take the child.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct

#### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY FOR PERSONS OTHER THAN STUDENTS**

The Maryvale School District is committed to providing an orderly, respectful environment that is conducive to learning. The maintenance of public order on school property and at school functions is the responsibility of all members of the school community. Teachers, staff, students and citizens must work together to facilitate the educational process. Students, District employees and visitors on school property or at school functions are expected at all times to conduct themselves in a manner which reflects proper respect for public property and the rights of others.

All persons on school property or attending a school function are expected to conduct themselves in a respectful and orderly manner and properly attired for the function or activity.

##### **Prohibited Conduct**

No person, either alone or with others, shall:

1. Disrupt the orderly conduct of classes or school programs and activities.
2. Intentionally injure any person or threaten/attempt to do so.
3. Use profane, lewd, vulgar, abusive language or gesture.
4. Intimidate, harass or discriminate against any person, on the basis color, creed, national or ethnic background, religion, age, gender, or disability.
5. Possess or use weapons, display what appears to be a weapon or threaten to use a weapon in or on school property or at any school function, except in the case of Police Officer/Federal Law Enforcement Officer.

6. Possess, consume, sell, distribute, exchange or be under the influence of alcoholic beverages or controlled substances on school property or at a school function.
7. Intentionally damage, destroy or attempt to damage or destroy School District property, or the personal property of a School District employee or student, which is lawfully on school property.
8. Distribute or wear materials on school property or at school function that are obscene, advocate illegal activity, obstruct the rights of others or are disruptive to the educational program.
9. Enter any portion of the school building without proper authorization or remain in any school building or facility after it is closed, or loiter on or about school property.
10. Incite or encourage others to commit any acts which are prohibited in this Code.
11. Refuse to comply with any directive of identifiable School District officials
12. Gamble on school property or at school functions.
13. Violate the traffic laws, parking regulations or other restrictions on vehicles.
14. Violate any federal or state statute, local ordinance or school policy while on school property or at a school function (e.g., smoking, indecent exposure, etc.)

### **Consequences**

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

1. Visitors will have their authorization to remain on school grounds and/or at school functions withdrawn and they will be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Authorization for their attendance at future school functions may also be rescinded. In addition, they may be subject to further suspension from being on school district property depending on the severity of the violation.
2. Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal or contractual rights that they may have.
3. District employees, other than teachers, shall be subject to disciplinary action as the facts may warrant in accordance with their legal or contractual rights.
4. Any additional staff member not described above shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **Enforcement**

All administrators or their designee shall be responsible for enforcing this Code of Conduct.

When an individual is engaged in prohibited conduct that does not pose any immediate threat of injury to persons or property, it will be the responsibility of the building administrator to inform the individual that the conduct is prohibited and to try to persuade the individual to stop. The administrator shall also inform the individual of the potential consequences for failing or refusing to stop. If the person refuses to stop the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the building administrator shall have the individual removed immediately from school property or the school function. When necessary, the Cheektowaga Police department will be contacted to assist in removing the person.

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

## **XV. DISSEMINATION AND REVIEW**

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

1. Reviewing the Code of Conduct with all students at a general assembly held at the beginning of each school year. Students in Grades 6-12 will also receive copies of a summary of the Code.
2. Making copies of the Code available to all parents at the beginning of the school year.
3. Mailing the District Calendar, which contains a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members.
7. Posting the complete Code of Conduct on the Maryvale School District website at [www.maryvale.wnyric.org](http://www.maryvale.wnyric.org).

The Board will 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 building administrators, regarding in service programs pertaining to the management and discipline of students.

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

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

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

The Code of Conduct and any amendments to it will be posted on the school website per the Commissioner's directive.

## Students

**SUBJECT: DIGNITY FOR ALL STUDENTS**

The Cheektowaga-Maryvale School District seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including but not limited to those 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 by school employees or other students on school property and at school sponsored activities and events that take place at locations off school property. In addition, other acts of harassment, bullying, and/or discrimination which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

**Dignity Act Coordinator**

In each of its schools, the District will designate at least one (1) employee holding such licenses and/or certifications as required by the Commissioner to serve as the Dignity Act Coordinator(s). Each Dignity Act Coordinator (DAC) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board of Education.

The District will share the name, designated school, and contact information of each Dignity Act Coordinator with all school personnel, students, and parents/persons in parental relation. Such information will be provided by:

- a) Listing such information in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing such information to parents and persons in parental relation in at least one (1) District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending such information home with each student. If such information changes, parents and persons in parental relation will be notified of the changes in at least one (1) subsequent District or school mailing, or other such method of distribution as soon as practicable thereafter; and
- d) Posting such information in highly visible areas of school buildings; and
- e) Making such information available at the District and school-level administrative offices.

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Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

If a Dignity Act Coordinator vacates his/her position, another school employee will immediately be designated for an interim appointment as DAC, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a DAC 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 DAC, pending return of the previous individual to the position.

**Training and Awareness**

Each year, employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, or discrimination. Such training may be provided in conjunction with existing professional development, and will be conducted consistent with guidelines approved by the Board of Education, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and/or discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against bullying, discrimination, and/or harassment will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers will be provided a complete copy of the current Code upon their employment, and an age-appropriate summary will be distributed to all students at a school assembly at the beginning of each school year.

**Reports and Investigations of Harassment, Bullying, and/or Discrimination**

Students who have been subjected to harassment, bullying, and/or discrimination, persons in parental relation whose children have been subjected to such behavior, or other students who observe or are told of such behavior, are encouraged and expected to make verbal and/or written reports to the principal, superintendent,

(Continued)

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

Dignity Act Coordinator, and/or other school personnel. All District staff who are aware of harassment, bullying, and/or discrimination, are required to orally report the incident(s) within one (1) school day to the Principal, Superintendent, or his/her designee and report it in writing within two (2) school days after making an oral report.

The Principal, Superintendent, or the Principal's or Superintendent's designee will lead and/or supervise the thorough investigation of all reports of harassment, bullying, and discrimination, and ensure that such investigations are completed promptly after receipt of any such reports. All investigations will be conducted in accordance with law, the District's *Code of Conduct*, and applicable District policy and procedure. In the event allegations involve harassment, bullying, and/or discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, or disability, the District may utilize the procedures set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District, and its implementing regulations. Where appropriate, the Dignity Act Coordinator or such other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

In the event any such investigation reveals harassment, bullying, and/or discrimination, the District will take prompt action 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 harassment, bullying, and/or discrimination was directed. Such actions will be taken consistent with applicable laws and regulations, District policies and administrative regulations, and collective bargaining agreements, as well as the District's *Code of Conduct* and any and all applicable guidelines approved by the Board.

The Superintendent, Principal, or his/her designee shall notify the appropriate local law enforcement agency when it is believed that any incident of harassment, bullying, and/or discrimination constitutes criminal conduct. The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent. Such report shall be submitted in a manner prescribed by the District.

The District will annually report material incidents of harassment, bullying, and/or discrimination which occurred during the school year to the State Education Department. Such report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

**Prohibition of Retaliatory Behavior**

Pursuant to Section 16 of the Education Law, any person who has 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 acts reasonably and in good faith and reports such information to school officials, the

(Continued)

**SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**

Commissioner of Education, or law enforcement authorities, or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making such report, or from initiating, testifying, participating, or assisting in such proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

**Publication of District Policy**

At least once during each school year, all school employees, students, and parents will be provided with a written or electronic copy of this policy, or a plain-language summary thereof, including notification of the process by which students, parents, and school employees may report harassment, bullying, and discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

**Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including but not limited to any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law Sections 10-18, 801-a, 2801 and 3214  
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education  
#3410 -- Code of Conduct on School Property  
#3420 -- Non-Discrimination and Anti-Harassment in the School District  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date: 6/11/12  
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