

PROJECT SAVE – Code of Conduct

I. PURPOSE OF THIS CODE

The Code of Conduct (the “Code”) is adopted by the Board of Education (the “Board”) of the Wells Central School District (the “District”) pursuant to and in compliance with the requirements of Project SAVE and 100.2 (1) of the Regulations of the Commissioner of Education.

This Code defines the Board’s expectations for conduct on District Property and at District Functions based on these accepted principles. It also identifies the range of penalties for unacceptable conduct. Unless otherwise indicated, this Code applies to conduct of students, employees, students’ parents and other visitors while on District property, at a District Function, or conduct that otherwise affects the District’s educational program.

II. MISSION STATEMENT

The mission of the Wells Central School District is to provide a variety of learning experiences which will prepare each individual to make positive life choices which will result in productive contributions to themselves and society.

III. DEFINITIONS

For the purpose of the Code, the following words and phrases shall have the meanings set forth below:

Assault: The physical abuse or infliction of personal injury or unlawful detention of any person and the intentional use of physical force, or the threat thereof, that places, or attempts to place, another person in well-founded fear of personal injury.

Disabled Student: A student who has been classified as having a disability pursuant to the provisions of IDEA and Article 89 of the Education Law, or one who the District is deemed to know has a disability within the meaning of 34 CFR 300.527.

District Function: Any school-sponsored extra-curricular event or activity.

District Property: Any place in or within any building, structure, athletic field, playground, parking lot or other land owned by the district, or in or on a school bus as defined in Vehicle and Traffic Law 142.5

Explosive: An explosive device of a nature or in a quantity that is sufficient to cause injury to a person or property of the District or others.

Illegal Drugs: A controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional, or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State Law.

Illegal Substances: Tobacco and tobacco products, alcohol, illegal drugs or substances and drug-related paraphernalia.

Parent: The biological, adoptive or foster parent, guardian or person in parental relation to a student.

Out-of-School Suspension: The disciplinary removal of a student from his or her regular educational program and activities in accordance with Education Law 3214. Refer to Section VII Discipline Procedures.

Violent Student: A student under the age of 21 who (a) commits an act of violence upon a school employee; or (b) commits, while on District Property or at a District Function, an act of violence upon another student or any other person lawfully on District Property or at the District Function; or (c) possesses a weapon while on District Property or at a District Function; or (d) displays while on District Property or at a District Function, what appears to be a weapon; or threatens, while on District Property or at a District Function, to use a weapon; or (f) knowingly and intentionally damages or destroys the personal property of any school employee or any person

lawfully on District Property or at a District Function; or (g) knowingly and intentionally damages or destroys District Property.

Disruptive Student: 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.

Weapon: A firearm as defined in 18 USC 921 for purposes of the Gun Free Schools Act, and any device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, and any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, BB gun, starter gun, pellet gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife with a blade of at least 2 ½ inches, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

Cyber-Bullying: Using a computer to harass, belittle, or damage the reputation or self-esteem of another.

Hazing: Any unhealthy or dangerous activity used as an initiation or rite of passage, to gain entry or to qualify for a club, team or other group.

IV. STUDENT RIGHTS AND RESPONSIBILITIES

Student Rights:

The district is committed to safeguarding the rights given to all students under state and federal law. In addition to those rights, all district students have the right to:

- A. A safe, healthy, orderly and civil school environment.
- B. To be treated with respect by fellow students, parents, teachers and all District staff.
- C. Take part in all district activities on an equal basis regardless of age, race, religion, color, national origin, sex, sexual orientation or disability.
- D. In all disciplinary matters, have the opportunity to present their version of the facts and circumstances leading to the imposition of disciplinary sanctions to the school staff member imposing the sanction.
- E. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- F. An education that offers students the opportunity for inquiry and development to the fullest potential.
- G. Constructive discipline for the development of good character, conduct and habits.
- H. An educational staff that provides a positive role model for student development.
- I. The opportunity to develop and express opinions, beliefs, and values provided such expression is not disruptive, offensive, slanderous or insubordinate.
- J. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education.

Student Responsibilities:

All District students have the responsibility to:

- A. Be familiar with and comply with all district policies, rules and regulations dealing with student conduct.
- B. Show respect for fellow students, parents, teachers and all District staff as well as respect for public, private and school property.
- C. Contribute to maintaining a safe and orderly school environment that is conducive to learning.
- D. Attend school every day unless legally excused and be in class on time and prepared to learn.
- E. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- F. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- G. Work to develop strategies to control their anger.
- H. Ask questions when they do not understand.

- I. Seek help in solving problems.
- J. Dress appropriately for school and school functions.
- K. Accept responsibility for their actions.
- L. 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.

V. ROLES OF OTHERS IN THE SCHOOL COMMUNITY

Parents:

All parents are expected to:

- A. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- B. Show respect for students, parents, teachers and all District staff as well as respect for public, private and school property.
- C. Send their children to school ready to participate and learn.
- D. Ensure their children attend school regularly and on time.
- E. Ensure absences are excused and that sick children are kept home. "Sick" is defined as a child who has a fever of 100 degrees or higher or has a cough or other illness that interferes with the learning process.
- F. Insist their children be dressed and groomed in a manner consistent with the student dress code.
- G. Teach their child, by word and example, respect for law and authority.
- H. Know school rules and help their children understand them.
- I. Convey to their children a supportive attitude toward education and the district.
- J. Provide guidance for their child to develop socially acceptable standards of conduct and behavior.
- K. Become involved in their child's school, with its teachers, programs and activities, and to attend conferences and school functions.
- L. Help their children deal effectively with peer pressure.
- M. Inform school officials of changes in the home situation that may affect student conduct or performance.
- N. Encourage and support their child in completing homework assignments.
- O. Monitor their children's activities (i.e. friends, after school activities, computer use, etc.)
- P. Recognized that primary responsibility for their child's welfare and development rests with the parent.

All School Staff:

All school staff members are expected to:

- A. Be prepared to teach academics and basic citizenship.
- B. Express concern and enthusiasm for teaching and learning.
- C. Treat parents and students with concern and respect.
- D. Provide direction and guidance so students can learn to think, reason, and be responsible for their actions.
- E. Know school policies and rules. Be consistent, fair and firm in dealing with students both in and out of the classroom.
- F. Communicate to students and parents: course objectives, and requirements, marking/grading procedures, assignment deadlines, expectations for students and the classroom discipline plan.
- G. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
- H. Reinforce positive student behavior.

- I. Seek appropriate resources to effect positive change in student behavior.
- J. Use available resources to bring about positive behavioral changes in the classroom before seeking assistance from administration for discipline problems.
- K. Demonstrate, by work and personal example, respect for law and order and self-discipline and conduct themselves as role models for their students.
- L. Show respect for students, parents, teachers and all District staff as well as respect for public, private and school property.

Guidance Counselor:

The Guidance Counselor is expected to:

- A. Assist students in coping with peer pressure and emerging personal, social emotional problems.
- B. Initiate conferences with parents, students and teachers as necessary, as a way to solve problems.
- C. Review regularly with students their educational progress and career plans.
- D. Provide information to assist students with college and career planning, including financial assistance.
- E. Encourage students to benefit from the curriculum and extracurricular programs,
- F. Develop effective schedules and teaching assignments for students and staff in conjunction with the District Administrator.
- G. Show respect for students, parents, teachers and all District Staff as well as respect for public, private and school property.

Administrative Staff:

The administrative staff is expected to:

- A. Promote a safe and orderly environment that is conducive to good learning.
- B. Ensure that students, parents and staff have the opportunity to communicate regularly with the Superintendent and approach the Superintendent for redress of grievances.
- C. Evaluate, on a regular basis, all instructional programs.
- D. Support the development of, and student participation in appropriate extracurricular activities.
- E. Be consistent and firm in the enforcing of the code of conduct and ensuring that all cases are resolved promptly and fairly.
- F. Inform the Board of Education concerning all educational issues and recommend programs that provide for the needs of all students, including those with special needs.
- G. Work to create instructional programs that minimize problems and are sensitive to student and teacher needs.
- H. Supervise and maintain a well-trained staff at all levels
- I. Keep the community well-informed of all District activities through regular publications, announcements, meetings, and other appropriate forms of communication.
- J. Show respect for students, parents, teachers and all District staff as well as respect for public, private and school property.

The Board of Education

The Board of Education is expected to:

- A. Visit the school periodically, attend school functions, and become familiar with District operations.
- B. Employ and maintain a well-trained staff at all levels
- C. Keep the community well-informed of all District activities through regular publications, announcements, meetings and other appropriate form of communication.

- D. Develop programs that provide for the needs of all students, including those with special needs.
- E. Enforce student and staff discipline in accordance with District policies and the requirements of New York State law.
- F. Be fair and consistent in rendering decisions regarding the discipline of students who have appealed to the Board.
- G. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- H. Show respect for students, parents, teachers and all District staff as well as respect for public, private and school property.
- I. Provide opportunity and invite input from all District shareholders.

VI. DISTRICT DRESS CODE

The District’s employees and students shall be appropriately groomed and dressed while on District Property and at District Functions. Teachers and all other District employees should exemplify and reinforce acceptable dress and help students develop an understanding of appropriate appearance in the school setting. Also, visitors are to be appropriately attired while on District Property and at District Functions. The District shall inform all students and their parents of the student dress code at the beginning of the school year, and of any revisions to the dress code made during the school year. The appropriateness of an individual’s dress will depend to some degree on the circumstances and setting. However, the following general rules shall normally apply in all circumstances:

- A. Dress, grooming and appearance, including hair style/color, jewelry, make-up, nails shall be safe and appropriate and may not disrupt or interfere with the educational process.
- B. Revealing garments such as tube tops, net tops, halter tops, belly shirts, spaghetti straps, plunging necklines (front and/or back), transparent or see-through garments are not appropriate attire for the school environment.
- C. Underwear and midriff shall be completely covered with outer clothing. Short skirts with or without slits, and other revealing leg wear are not appropriate for school.
- D. Footwear shall be worn at all times. Footwear that is a safety hazard will not be allowed, i.e. slippers, excessively high heels.
- E. Hats worn to school by students should be removed upon entering the building and placed in lockers before homeroom for the duration of the school day, except for a medical or religious reason.
- F. Items of apparel that are vulgar, obscene, libelous, or denigrate others on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation or disability are prohibited.
- G. No item of apparel may promote and/or endorse the use of alcohol, tobacco, or illegal drugs or encourage other illegal or violent activities.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

VII. CONDUCT ON SCHOOL BUSES

The following guidelines shall govern student conduct on school buses:

- A. In general, school buses are extensions of the classroom, and standards of student conduct similar to those that apply in the classroom shall apply to conduct on school buses.

- B. The bus driver is in charge of the bus. The driver's instructions are to be obeyed promptly by all passengers.
- C. Upon boarding the bus, students will select a seat and remain seated for the duration of the trip, except in cases where standees are required. Drivers may assign seats when they feel it is necessary.
- D. No student shall board the bus with any object that cannot be held on his or her lap or between his or her knees. Students shall not bring objects on the buses that are potentially dangerous or distracting to other students or the driver. Prohibited objects include, but are not limited to, the following:
 - Glass objects
 - Weapons
 - Explosive devices
 - Live animals
 - Oversized musical instruments
 - Oversized athletic equipment
 - Laser lights
- E. Students who are approaching the bus stop as the bus arrives and who make no effort to be on time may be left behind.
- F. Student actions that have the effect of distracting the driver or otherwise interfering with the driver's ability to operate the vehicle in a safe manner are prohibited. Such actions may include, but are not limited to, the following:
 - Throwing objects within or outside the bus
 - Harassing or fighting with other passengers
 - Extending head, hands, arms or legs out of the bus
 - Operating or otherwise tampering with emergency exits
 - Smoking
 - Using drugs or alcohol
 - Creating excessive noise, including verbal abuse of fellow passengers and the use of profanity
 - Causing damage to the vehicle (students responsible for damages will be billed for repair costs)
 - Tampering with the vehicle's operating or safety controls
 - Obstructing the driver's vision
 - Threatening, verbally abusing, attacking or swearing at the driver
 - Publicly displaying affection

VIII. VISITORS

The Board encourages parents and other District citizens to visit the school and classrooms to observe the work of students, teachers and other staff. However, since schools are a place of work and learning, certain limitations must be set for such visits. For these reasons, the following rules apply to visitors in the school:

- A. The Superintendent has authority over all persons in the building and on school grounds.
- B. All visitors to the school must report to the main office upon arrival at the school to sign the visitor's register and be issued a visitor's identification badge. The identification badge must be worn at all times while in the school or on school grounds, and returned to the main office before leaving the building. Visitors attending District Functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- C. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and the Superintendent so that class disruption is kept to a minimum.
- D. Teachers should not be expected to take class time to discuss individual matters with visitors.
- E. All visitors are required to abide by the rules for conduct on District Property contained in this Code.
- F. Any unauthorized person on school property will be reported to the superintendent. Unauthorized persons will be asked to leave. Law enforcement may be called if the situation warrants.

IX. PROHIBITED STUDENT CONDUCT

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior and for 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 student's 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. Students who will not accept responsibility for their own behavior and who violate these 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:

- **Engage in conduct that is disorderly.** Examples of disorderly conduct include:
 - Running in the hallways.
 - Making unreasonable noise.
 - Using language or gestures that are profane, lewd, vulgar or abusive.
 - Obstructing vehicular or pedestrian traffic
 - Engaging in any willful act which disrupts the normal operation of the school community, including bomb threats or false alarms.
 - Inappropriate public displays of affection.

- **Engage in conduct that is insubordinate or disruptive.** Examples of insubordinate/disruptive conduct include:
 - Being late for class without a pass
 - Being unprepared for class
 - Leaving class without permission
 - Leaving school without permission
 - Inappropriate dress
 - Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
 - Skipping classes
 - Skipping detention
 - Chronic absenteeism
 - Swearing or directing vulgar or obscene language at school personnel

- **Engage in conduct that is violent.** Examples of violent conduct include:
 - Committing an act of violence, such as hitting, kicking, punching and scratching, upon a teacher, administrator or other school employee.
 - Committing an act of violence, such as hitting, kicking, punching and scratching, upon another student or any other person lawfully on school property.
 - 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.
 - Displaying what appears to be a weapon.
 - Threatening to use any weapon

- Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee, student, or any person lawfully on school property, including graffiti or arson.
 - Intentionally damaging or destroying school district property.
 - The act of threatening bodily harm or repeatedly tormenting another person and any other behavior that is intended to or has the reasonable effect of annoying intimidating or causing fear in another. Harassment may take the form of comments, name-calling, jokes, stalking, perpetuating rumors or gossip, offensive gestures, offensive remarks, physical abuse, cyber-bullying, or any other behavior that is designed to annoy, intimidate or cause fear.
 - Engage in any willful act which disrupts the normal operation of the school community, including bomb threats or false alarms.
- **Engage in any conduct that endangers the safety, morals, health or welfare of others.** Examples of such conduct include:
 - Lying to school personnel
 - Stealing the property of other students, school personnel, or any person lawfully on school property or attending a school function.
 - Acts of sexual harassment as defined in the district’s sexual harassment policy.
 - Selling, using or possessing obscene material.
 - The possession or use of cigarettes, cigars, pipes or using chewing or smokeless tobacco.
 - Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
 - Inappropriately using or sharing prescription and over-the-counter drugs.
 - Engaging in any hazing activity. Acceptance to any group at WCS does not require this type of initiation.

Students, staff and visitors may be disciplined for misconduct that is not committed on District Property or at a District Function if such misconduct (1) threatens the health, safety or welfare of a student, teacher or other member of the school district staff, or (2) is likely to interfere with a positive educational environment, or (3) constitutes sexual or another form of harassment that is likely to carry over to the educational environment.

The definitions of misconduct set forth in this section are not meant to be all-inclusive. Any conduct not defined in this Code that violates any federal or New York State statute, or any rule, regulation or established practice of the District, shall be punishable by penalty to be imposed in the discretion of the appropriate District personnel.

- **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 fighting and public displays of affection will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the district’s Code of Conduct.
- **Engage in any form of academic misconduct.** Examples of academic misconduct include:
 - Plagiarism (defined as “the unauthorized use or close imitation of the language and thoughts of another author and the representation as one’s own work” (<http://dictionary.reference.com>)).
 - Cheating (defined as “to take an examination or test in a dishonest way, as by improper access to answers” (<http://dictionary.reference.com>)).
 - **Forgery** (defined as “the crime of falsely making or altering a writing by which the legal rights or obligations of another person are apparently affected; simulated signing of another person’s name to any such writing whether or not it is also the forger’s name(<http://dictionary.reference.com>)).

The Superintendent is hereby delegated the authority to establish standards of conduct and rule for local matters, school district activities and the granting or withholding of student privileges. These standards and rules may include procedures for homeroom, student assemblies, emergency drills, study halls, use of the cafeteria, conduct in the hallways, use of student lockers, student passes, school parking privileges, book bags and backpacks in the building, bicycles, skateboards, roller blades, "heelies" and similar means of transportation, the use of electronic devices (including I-pods) and laser pointers, card playing, and other local matters related to discipline and order in the building. These rules are subject to the approval of the Superintendent and the Board.

X. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student or staff member observing possession of a weapon, alcohol, tobacco products or illegal substance on school property or at a school function, shall report this information immediately to the Superintendent or his/her designee. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification to the parent if a student is involved and the appropriate disciplinary action take, up to and including permanent suspension and referral for prosecution.

The Superintendent or designee, must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day after the Superintendent or designee learns of the violation. The notification must identify the student(s) and explain the conduct that violated the Code of Conduct and constituted a crime. The parent notification must be made either by telephone or in person, followed by a letter mailed on the same day the telephone call is made.

XI. DISCIPLINARY PROCEDURES AND PENALTIES

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

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

As a general rule, discipline will be progressive. District authorities may use a range of possible responses to misconduct committed by a student. In most circumstances, a primary response will be to discuss the student's conduct with the parents in an attempt to correct such inappropriate behaviors. However, any student who commits a flagrant act of disrespect, participates in a criminal activity, or conducts himself or herself in a manner bringing disrespect to Wells Central School may be subject to penalties beyond that outlined by the Code.

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. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

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

impose the penalty must let the student know what misconduct the student is alleged to have committed and must investigate the facts surrounding the alleged misconduct. 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.

- **Actions and 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 with one another. The penalties listed are guidelines for action, but the Superintendent has the authority to exceed the guideline penalty as noted above based upon the severity of the infraction and student history. The school personnel identified after each penalty are authorized to impose the penalty, consistent with the student's right to due process. The Superintendent, Principal or their designee has some flexibility in the use of discipline as situations warrant.

- **Verbal warning** – any member of the district staff
- **Written disciplinary referral and phone call to parent** – bus driver, teaching assistants, teacher aides, coaches, teachers and school administrators
- **Lunch detention** (students eat lunch in a different location with an administrator and stay there until the end of lunch period)– teachers, teaching assistants, and school administrators
- **Detention** (served between 3:00 and 4:30, following parent notification one day prior to the detention) – teachers, teaching assistants and school administrators
- **Removal from classroom by a teacher** (as it relates to a non-disabled student, the removal of a substantially disruptive student from the classroom to ensure that the other students continue to learn. A classroom teacher may remove a student from class for up to 2 days. The removal from class applies to the class of the removing teacher only. For purposes of this Code, the removal commences on the second consecutive day that a student is asked to leave a teacher's classroom; the first day being considered the discretionary use of a classroom management technique by the teacher) – teachers and school administrators
- **Parent conference** – teachers and school administrators
- **Suspension from transportation, athletic participation, extracurricular activities, and other privileges** (Students may also be suspended from transportation, athletic participation, social or extra-curricular activities or other privileges upon compliance with fundamental due process procedure) – school administrators.
- **In-school suspension** (the temporary removal of a student from the classroom and the placement of that student in another designated area of the school building where the student will receive substantially equivalent, alternative education. The in-school suspension teacher will be a certified teacher, teaching assistant or administrative assistant. Students on in-school suspension are also subject to suspension from extra-curricular activities over the course of the suspension.
- **Short-term (5 days or less) suspension from school** – school administrators and Board of Education
- **Permanent suspension from school** – school administrators and Board of Education

XII. SPECIFIC CONSEQUENCES FOR VIOLATIONS OF CODE OF CONDUCT

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for 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 student's 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 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. 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, if they:

- **Engage in conduct that is disorderly**, Examples of this include:
 - **Running in hallways**
 - **Making unreasonable noise**
 - **Using language or gestures that are profane, lewd, vulgar, or abusive**
 - **Obstructing vehicular or pedestrian traffic**
 - **Inappropriate public displays of affection**
Consequences:
 - 1st offense –verbal warning and parent contacted
 - 2nd offense – lunch or after school detention and parent contacted
 - 3rd offense – In-school or out-of-school suspension and parent contacted

- **Engage in conduct that is insubordinate/disruptive**. Examples of this include:
 - **Being late for class without a pass**
Consequences:
 - 1st offense – verbal warning and parent contacted
 - 2nd offense and subsequent offenses - detention and parent contacted

 - **Being unprepared for class**
Consequences:
 - 1st offense – verbal warning and parent contacted
 - 2nd offense and subsequent offenses - detention and parent contacted

 - **Leaving class without permission**
Consequences:
 - 1st offense – Detention 2X class period missed, and parent contacted
 - 2nd offense and subsequent offenses – In-school or out-of-school suspension and parent contacted

 - **Inappropriate dress**
Consequences:
 - 1st offense – cover offending item
 - 2nd offense - 2 days detention and parent contacted
 - 3rd offense – In-school or out-of-school suspension and parent contacted

 - **Skipping Class**
Consequences:
 - 1st offense – Detention X # periods missed and parent contacted
 - 2nd offense - In-school or out-of-school suspension and parent contacted

 - **Leaving school without permission**
Consequences:
 - 1st offense – In-school or out-of-school suspension and parent contacted
 - 2nd offense - In-school or out-of-school suspension and parent contacted

 - **Failing to comply with the lawful directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.**
Consequences:

1st offense – Student will be asked to leave class or event and parent contacted

2nd offense - Detention and parent contacted

3rd offense – In-school or out-of-school suspension and parent contacted

▪ **Skipping detention**

Consequences:

1st offense – 2 days detention and parent contacted

2nd offense – 3 days of detention and parent contact

3rd offense- In-school or out-of-school suspension and parent contacted

▪ **Chronic absenteeism**

Consequences:

See attendance policy

▪ **Swearing or directing vulgar or obscene language at school personnel**

Consequences:

1st offense – 1 day out-of-school suspension and parent contacted

2nd offense - 3 days out-of-school suspension and parent conference.

3rd offense- 5 days out-of-school suspension and parent contact

• **Engage in conduct that is violent. Examples of this include:**

▪ **Committing an act of violence such as hitting, kicking, punching or scratching upon another student or any other person who is lawfully on school property**

Consequences:

1st offense – 3 days out-of-school suspension and parent contacted

2nd offense – 5 days out-of-school suspension and parent contacted

3rd offense – 5 days out-of-school suspension and parent contacted, notification of law enforcement with a Superintendent’s Hearing

▪ **Committing an act of violence such as hitting, kicking, punching and scratching upon a teacher, administrator, or other school employee**

Consequences:

1st offense – Immediate contact of parents and law enforcement with immediate 5 days out-of-school suspension and a Superintendent’s Hearing

▪ **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)

Consequences:

1st offense – Immediate contact of parents and law enforcement with immediate 5 days out-of-school suspension and a Superintendent’s Hearing

▪ **Displaying what appears to be a weapon**

Consequences:

1st offense – Contact of parents and law enforcement and possible out-of-school suspension.

2nd offense and subsequent offenses – at the discretion of the Superintendent

▪ **Threatening to use any weapon**

Consequences:

1st offense – Contact of parents and law enforcement and possible out-of-school suspension.

2nd offense and subsequent offenses – at the discretion of the Superintendent

- **Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee, student, or any person lawfully on school property, including graffiti or arson**

Consequences:

1st offense – Restitution, parent contacted, possible law enforcement and Superintendent’s Hearing.

2nd offense and subsequent offenses – Out-of- school suspension, notification of law enforcement and Superintendent’s Hearing.

- **The act of threatening bodily harm or repeatedly tormenting another person and any behavior that is intended to or has the reasonable effect of annoying, intimidating or causing fear in another. Harassment may take the form of comments, name-calling, jokes, stalking, perpetuating rumors or gossip, offensive gestures, offensive remarks, physical abuse, cyber-bullying or any other behavior that is designed to annoy, intimidate, or cause fear.**

Consequences:

1st offense – Contact of parents and in-school suspension or detention.

2nd offense and subsequent offenses – 3 days of out-of-school-suspension

- **Engaging in any willful act which disrupts the normal operation of the school community, including bomb threats and false alarms.**

Consequences:

1st offense – Contact law enforcement and parents and 5-days out-of-school suspension, Superintendent’s Hearing.

- **Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of this include:**

- **Lying to School Personnel**

Consequences:

1st offense – Verbal warning and parent contacted

2nd offense and subsequent offenses – detention and parent contacted.

- **Stealing the property of other students, school personnel or any person lawfully on school property or attending a school function**

Consequences:

1st offense – Replacement of property, in-school suspension and parent conference

2nd offense and subsequent offenses – parent contacted, out-of-school suspension and possible notification of law enforcement.

- **Acts of sexual harassment as defined in the district’s sexual harassment policy**

Consequences: see BOE Policy 4.290/8.910 for consequences

- **Selling, using or possessing obscene material**

Consequences:

1st offense – in-school suspension and parent conference

2nd offense and subsequent offenses – parent contacted, out-of-school suspension and possible notification of law enforcement.

- **The possession or use of cigarettes, cigars, pipes, chewing or smokeless tobacco**
Consequences:
1st offense – 2 days in-school suspension, parent contacted
2nd offense and subsequent offenses – 2 days out-of-school suspension, parent contacted and smoking cessation program.
- **Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either**
Consequences:
1st offense – 5 days out-of-school suspension, parent conference and contact of law enforcement and Superintendent’s Hearing
- **Inappropriately using, possessing or sharing prescription drugs**
Consequences:
▪ 1st offense – 5 days out-of-school suspension, parent conference and contact of law enforcement and Superintendent’s Hearing
- **Inappropriately using or sharing over-the-counter drugs**
Consequences:
1st offense – Parent conference and in-school suspension
2nd and subsequent offenses – Parent conference, out of school suspension, potential for Superintendent’s hearing
- **Engaging in any hazing activity (acceptance to any group at WCS does not require this type of initiation).**
Consequences: at the discretion of the Superintendent
- **Engaging in any form of academic misconduct** Examples of academic misconduct include:
 - Plagiarism (defined as “the unauthorized use or close imitation of the language and thoughts of another author and the representation as one’s own work” (<http://dictionary.reference.com>)).
 - Cheating (defined as “to take an examination or test in a dishonest way, as by improper access to answers” (<http://dictionary.reference.com>)).
 - Forgery (defined as “the crime of falsely making or altering a writing by which the legal rights or obligations of another person are apparently affected; simulated signing of another person’s name to any such writing whether or not it is also the forger’s name(<http://dictionary.reference.com>))
 Consequences:
1st offense – Assign a grade of zero, parent/teacher/administrator conference and assignment to be resubmitted
2nd and subsequent offenses – Assign a grade of zero, in-school suspension, parent/teacher/administrator conference and assignment to be resubmitted.

XIII. APPEALS FROM IMPOSITION OF DISCIPLINE

- **Appeals to the Board**
Appeals of all decisions of the Superintendent relative to this Code shall be taken to the Board of Education. All appeals shall be made in writing and shall set forth the decision appealed and the grounds for appeal. The written appeal shall be filed with the District Clerk no later than ten (10) business days from the date of the decision which is the subject of the said appeal, unless the party appealing can show that extraordinary circumstances prevented the timely filing of the appeal. The Board may adopt, in whole or in part, the decision of the Superintendent and make its decision in writing. The Board’s decision shall be based solely upon the record before it.

- **Appeals to the Commissioner**

Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

- **Waivers of Superintendent's Hearing**

A student and parent may voluntarily and knowingly waive his or her right to a Superintendent's Hearing under Education Law 3214. In this regard, the District's administration is directed to promulgate a regulation to establish the procedures for a waiver and to develop a waiver form that meets the requirement set forth in the Commissioner's decision in *Appeal of McMahon*, 38 Ed. Dept. Rep. 22 (1998).

- **District Employees**

Tenured faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a, and any other legal rights that they may be entitled to.

Civil Service employees who are entitled to protections of Civil Service Law 75 shall be subject to charges as the facts may warrant. Said charges will be filed and prosecuted pursuant to said statute, and in accordance with any other legal rights they may be entitled to.

Other staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may be entitled to.

Any District employee whose conduct on District Property or at a District Function disrupts academic or other school activities or threatens the welfare of the person or property of others shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with any legal rights that they may be entitled to.

- **Visitors**

The following procedures shall apply procedurally to violation of this Code by non-students.

The Board hereby delegates authority to enforce these rules and regulations to the Superintendent. The Superintendent may designate such person, or persons, as he or she deems necessary, for the enforcement of these rules and regulations.

The Superintendent may initiate and/or receive charges of any alleged violation of these rules and regulations and cause all investigations to commence.

The Superintendent may request all lawful assistance to secure, remove, eject or otherwise prevent persons from adversely affecting public order or from materially disrupting normal school processes.

Enforcement of these rules and regulations against persons other than the students shall be as provided by law.

XIV. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This policy affords students with disabilities subject to disciplinary actions no greater or lesser rights than those expressly afforded by applicable federal and state laws and regulations.

- **Authorized Suspensions or Removal of Students with Disabilities**

- For the purposes of this section of the Code of Conduct, the following definitions apply:
Suspension means a suspension pursuant to Education Law 3214.
Removal means a removal for disciplinary reasons from the student's current educational placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.
IAES means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, which 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. These services and modifications are designed to prevent the behavior from recurring.
- School personnel may order the suspension or removal of a student with a disability from his or her current education placement as follows:
- Subject to specified conditions required by both federal and state laws and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

- **Change of Placement**

- 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 a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate 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 suspension or removals to one another.
- 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 or controlled substances.

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

- The District's Committee on Special Education shall:
 - Conduct functional behavior 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.

- 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.
- 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 statutory and regulatory criteria, if 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 procedures.
 - The Superintendent or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either: 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.
- 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 the applicable federal and state laws 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.
- 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 of Education shall accompany the notice of disciplinary removal

- 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.
 - 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 Regulations of the Commissioner of Education incorporated into this policy.
 - 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 the non-disabled students, except school personnel may not impose such removal for more than ten consecutive days or for a period that would result in a disciplinary charge in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
 - During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.
- **Expedited Due Process Hearings**
 - An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:
 - The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in a IAES where school personnel maintain that it is dangerous for a 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 or be in his or her current educational placement during such proceedings.
 - 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.
 - 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 danger, 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.
 - 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 of the IAES, except where the student is again placed in an IAES.
 - 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 days after the 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:

- The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change in the student's placement.
- 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.

XV. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the district will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

XVI. STUDENT SEARCHES AND INTERROGATIONS

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

In addition, the Board authorizes the school 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 limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, or they provide the same information that is received independently from other sources. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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.

Searches will be conducted in the privacy of administrative office and students may be present when their possessions are being searched.

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

The rules of 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 to privacy

with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

- **Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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

In every case, the school official conducting a strip search must have probable cause – not simply reasonable cause – to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student’s age, the student’s record and the need for such a search.

School officials will attempt to notify the student’s parents by telephone before conducting a strip search unless the school official believes there is an emergency situation that could threaten the safety of the students or others, or in writing after the fact if the parent could not be reached by telephone.

- **Documentation of Searches**

The school administrators shall be responsible for promptly recording the following information about each search:

- Name, age and grade level of student searched
- Reasons for the search
- Name of any informant(s)
- Purpose of search (that is, what item(s) were being sought)
- Type and scope of search
- Person conducting search and his or her title and position
- Witness, if any, to the search
- Time and location of search
- Results of search (that is, what item(s) were found)
- Disposition of items found
- Time, manner and results of parental notification

School administrators shall be responsible for the custody, control and disposition of any illegal or dangerous item(s) taken from a student. The school administrators shall retain control of the item(s), unless the item(s) are turned over to the police. The school administrators shall be responsible for personally delivering dangerous and illegal item(s) to police authorities.

- **Police Involvement in Searches and Interrogations of Students**

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

- A search or arrest warrant

- Probable cause to believe a crime has been committed on school property or at a school function
- Been invited by school officials

Before police officials are permitted to question or search any student, the school administrators shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search in writing by the school administrators as soon thereafter as possible. The school administrators will also be present during any police questioning or search of a student on school property or at a school function.

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

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

Students are expected to cooperate with police officials, consistent with their legal rights.

- **Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

All requests by child protective series to interview a student on school property shall be made directly to school administrators. The school administrators shall set the time and place of the interview. The school administrators shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify allegations, the school nurse or other medical personnel must be present during that portion of the interview. No student will be required to remove his or her clothing in front of a child protective service worker or school district official of the opposite sex without his or her consent.

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

XVII. CORPORAL PUNISHMENT

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to: **1)** Protect oneself, another student, teacher or any person from physical injury; **2)** Protect the property of the school or others; **3)** Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

XVIII. DISSEMINATION AND REVIEW

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

- Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year.
- Mailing the Code of Conduct written in plain language to all parents of district students before the beginning of the school year with a cover sheet requesting signatures from both the parent(s) and the student showing that they have read and that they understand the code and the district will make a copy of the signatures upon request.
- Providing all current teachers and other staff members, including substitutes, with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code available for review by students, parents and other community members.

On an annual basis, the Code of Conduct will be publicized and explained to all students and distributed in writing, to parents and guardians of students. A copy of the Code will be available for review.

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 will solicit the recommendations of district staff, particularly teachers and administrators, regarding in-service programs pertaining to 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 the Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, parent organizations, school safety personnel and other school personnel.

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

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

Adopted:	June 20, 2001
Amended:	March 19, 2003
Amended:	May 21, 2008
Reviewed/Updated	July 2010
Reviewed/Updated	July 2011
Amended	July 2012 to include DASA (attached)
Amended	August 17, 2016

Dignity for All Students Act
Wells Central School District Policy

Student Harassment and Bullying Prevention and Intervention

The Board of Education and the district of Wells is committed to providing an educational and working environment that promotes respect, dignity and equality. The district and Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the school. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board and the district condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, and bullying on school grounds, school buses and at all school-sponsored activities, programs, and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

- ***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 11[2]).
- ***School bus*** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law 11[1] and Vehicle and Traffic Law 142).
- ***School Function*** means a school-sponsored extra-curricular event or activity (Education 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 11[4] and Executive Law 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 11[4] and 1125[3]).
- **Sexual orientation** means actual or perceived heterosexuality, homosexuality or bisexuality (Education Law 11[5]).
- **Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law 11[6]).
- **Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonable be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law 11[7]).
- **Bullying** is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
- **Hazing** is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

In order to implement this program the Board will designate at its annual organizational meeting a **Dignity Act Coordinator (DAC)**. The role of DAC is to coordinate and enforce this policy. In addition, the district has a Bullying Committee that will be overseen by the DAC or superintendent. The Bullying Committee will include representation from staff, administration, students, parents, county agencies and prevention educators. The district-wide committee will assist administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying, and tracking allegations of bullying.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for student who don't feel safe at school

The district and Board acknowledge that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to

help ensure the safety of the student and bring this to the attention of the district superintendent. The superintendent, other appropriate staff, the student and the student's parents will work together to define and implement any need accommodations.

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

Training

The Board and district recognize that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, DAC and Professional Development Committee will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff. The DAC will be trained in accordance with state requirements.

Reporting and Investigating

Although it can be difficult to step forward, the district can't effectively address bullying if incidents aren't reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and /or written complaint to any school personnel in accordance with district-determined policy. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures of this policy and state requirements. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their Superintendent. In addition, there shall be a further duty for all school personnel to report incidents of student-to-student and staff-to-student bullying of which they are made aware of by other students. The Superintendent will refer the information to the DAC. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with this policy. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with district policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the district's Code of Conduct. If the behavior rises to the level of criminal activity, law enforcement shall be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring, Reviewing and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law.

The Board will review the annual VADIR report with particular attention to the trends in the incidences of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

BOE approved: July 10, 2012, August 17, 2016

