



CODE OF CONDUCT

Retain this copy as a reference for this school year
2016-2017

Revised June 2016





District Officers 2016-2017

504 Compliance Officer	Gretchen Bush 585-336-2921
Amendments to Student IEP	Susan Flood, Ed.D. 585-336-3176
Asbestos Designee	Jeff Rahn 585-336-3009
Records Access Officer (Freedom of Information Officer)	Timothy Terranova, Ed.D. 585-336-2995
Civil Rights Compliance Officers	Timothy Terranova, Ed.D. 585-336-2995
-Title IX	Susan Flood, Ed.D. 585-336-3176
-Americans with Disabilities Act	Alternates:
-Harassment Complaint Officers	James Brennan 585-336-2993
-Dignity for All Students Act Compliance Officers	Karen Finter 585-336-2981 Christina Miga 585-336-2981

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STATEMENT OF PURPOSE AND APPLICABILITY

The Board of Education recognizes that the fundamental purpose of the local schools is to develop life-long learners who will contribute to humanity out of a sense of personal self-worth and dignity. The Board also recognizes that the enrichment and, in fact, the very survival of any group comes about only as its individual members practice self-discipline, and demonstrate behavior which does not infringe or intrude on basic rights and freedoms of others. Responsible exercise of individual freedoms means respect for the democratic process and for the rights of all. Only in an atmosphere of mutual respect, self-restraint, civility and trust among all can these freedoms flourish.

Thus, the Board of Education is committed to the management of its schools in a manner that is consistent with the legal and moral rights of all but which neither tolerates nor condones actions or conduct in violation of our penal statutes, civil procedures, or applicable district policies. In setting forth the following *Code of Conduct*, nothing herein is intended, nor shall be construed, to limit or restrict freedom of speech nor peaceful assembly nor any constitutional or legal individual right. This *Code* shall not be construed to prevent or limit communication between and among staff members (instructional and non-instructional), or to hamper sound educational practices or to relieve the school system of its special responsibility for self-regulation in the preservation of public order. Its purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of individuals or laws and to maintain that stable environment appropriate to a public school system without which there can be no intellectual freedom. This *Code* shall be interpreted and applied to that end.

This *Code* is adopted in compliance with Section 2801 of the Education Law, and accordingly will be filed with the Commissioner of Education. It shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and the Board of Regents within thirty days after adoption of such amendment or revision.

The *Code* is not intended to repeal, supersede or preclude any other rules relating to the same subject matter except to the extent they are inconsistent with its provisions. The *Code* shall govern the conduct of the Board of Education, the superintendent, students, faculty and other District staff, licensees, community members, invitees, and all other persons, whether or not their presence is authorized, upon the premises or facilities of the district and also upon or with respect to any other premises or property, under the control of the district, used in its teaching, administrative, service, cultural, recreational, athletic and other programs and activities. In the event that any part or provision of this *Code* is invalid, all other remaining provisions shall remain in full force and effect.



COMMUNICATION

The district will seek to communicate the terms of this *Code of Conduct* broadly throughout the school community. The district will provide all teachers with a copy of the *Code* at the beginning of the school year or upon employment. The district will also provide a summary of the *Code* to all students and parent(s)/and or guardian(s) (referred to as “parents” from this point forward) at the beginning of each school year. The full *Code* will be available for review by students, parents, other staff and community members at any time. The district will also employ such other means, formal and informal, and will promote thorough communication. To the extent that time and circumstances permit, such communication will precede the exercise of authority, discretion, and responsibilities granted in this *Code*.

BOARD OF EDUCATION/ADMINISTRATION/ FACULTY/OTHER DISTRICT PERSONNEL

It is the responsibility of the Board of Education and all district staff—Administration, Faculty, and all other personnel—to establish and sustain a school district whose high educational standards and commitment to positive individual development are worthy of the respect and treatment this *Code of Conduct* requires.

Accordingly, the terms of this *Code* apply to all members of the Board of Education, the superintendent, administrators, and staff not only as individuals, but also as role models and as representatives of the district to the rest of the community.

The following Board of Education policies provide further specific information regarding behavior:

Policy #3171	Discrimination, Harassment and the <i>Dignity for all Students Act</i>
Policy #6110	Code of Ethics
Policy #6111	Professional Ethics: Board of Education and Teachers
Policy #6121	Sexual Harassment
Policy #6122	Employee Discrimination Grievance Guidelines
Policy #6150	Drug Free Schools and Communities, Drug Free Workplace
Policy #6470	Staff Use of Computerized Information Resources
Policy #6551	Family and Medical Leave Act
Policy #6560	Employee Assistance Plan
Policy #8340	Use of Copyrighted Materials

The full text of these policies may be obtained from the District Office or viewed online at www.westirondequoit.org.



GENERAL: ALL PERSONS

Dress

The responsibility for the dress and appearance of individuals shall rest with the individuals, students, and parents. They have the right to determine how they dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process, or impinge on the rights of others.

The school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, tee shirts, etc.; however, the administration may not prescribe a specific brand which students must buy.

The administration is authorized to take action in instances where individual dress does not meet these stated requirements. With respect to students, as long as an individual's apparel meets the above requirements, no student shall be prevented from attending school or a school function, or otherwise be discriminated against.

Beyond these requirements, the Board of Education expects the cooperation of students, parents, and all individuals within the school community to make thoughtful choices regarding dress which conveys sensitivity and respect toward other people and toward the school and its purposes. The board discourages dress which could be considered offensive to others or which promotes and/or celebrates the use of violence, alcohol and other drugs, tobacco or other threats to the health and safety of all individuals.

These provisions do not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions.

Language

The use of profane and/or obscene language, spoken or written, or transmitted through electronic means, is inappropriate and is therefore prohibited in the public transactions of the school district, except as a topic of academic study. Also prohibited is language which constitutes threat, hazing, abuse of others, impingement on the rights of others, any form of harassment, or any interference with the educational process or the Board of Education's ability to effectively meet its duties with respect to its management and control over the district's educational affairs. The administration is authorized to take action in instances of language use which violate these requirements.

For interpersonal transactions in the district, the board requires all members of the school community and all visitors to employ language which reflects sensitivity and respect toward the feelings, values, humanity and dignity of others. Though the appropriateness of specific language may vary from public to private contexts, the underlying principle of mutual respect should be upheld at all times.



These requirements and expectations are not intended to apply to the academic study of authorized curricular material which may contain language considered to be objectionable.

Appropriate Conduct

Appropriate conduct is that which respects, protects, and enhances the district's educational mission and procedures, the authority and dignity of school personnel, the Board of Education's ability to effectively meet its responsibilities and carry out its duties, and the rights of all persons associated with the district to a safe, secure, respectful, and productive environment.

The Board of Education encourages and expects all persons to exhibit appropriate conduct. Personal or issue-related differences of opinion are welcome; however, they are to be resolved through respectful, reasoned dialogue and/or through established channels for addressing complaints or resolving disputes. Additionally, parents bear the responsibility of helping to guide their children toward appropriate conduct in school.

Just as Board of Education members and all district personnel are expected to uphold the terms of this *Code* in their behaviors, they have a right to civil, decent, respectful treatment in their interactions with students, parents, community members, and others, regardless of the context or setting within the district. The Board of Education/district administration is authorized to intervene in instances where an individual's actions or behaviors toward others, including but not limited to students, staff, Board of Education members, the Superintendent, administrators, and visitors, fall short of this standard. Any individual whose actions are inconsistent with the *Code* may be subject to the penalties set forth herein.

Prohibited Conduct

Personal injury or physical restraint; property damage

No person, alone or with others, shall:

- 1) Willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do or to do any act which he/she has a lawful right not to do.
- 2) Physically restrain or detain any other person nor remove such person from any place where he/she is authorized to remain.
- 3) Willfully damage or destroy property of the institution nor remove or use such property without proper authorization.
- 4) Willfully take, damage, alter or destroy files, records, documents or other property of the school without appropriate authorization.



Bullying, Harassment and Discrimination

No person, alone or with others, shall:

- 1) Engage in behavior which consists of repeated attempts or acts to intimidate or coerce others by the real or threatened:
 - Infliction of physical, verbal, written, gestured or electronically transmitted (electronic aggression) emotional and/or psychological abuse or intimidation;
 - Attacks on the property of another;
 - Verbal taunts, name-calling and put-downs including, but not limited to a person's perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexuality, gender identity, gender expression or sexism;
 - Efforts to extort money or possessions;
 - Efforts to exclude others from peer groups.

These prohibitions shall exist regardless of whether the person against whom the conduct is committed participated in, consented to, or acquiesced in the conduct deemed as "bullying."

In accordance with the Dignity for All Students Act (DASA), the Board of Education has appointed a DASA coordinator in each school who is trained in human relations situations with respect to the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexuality, gender identity, gender expression and sex. The coordinators will play an active role in prevention, intervention and follow-up to incidents of harassment or discrimination.

The reasoned and civil exchange of opinions or debate, protected by state or federal law, is not prohibited by this section.

Hazing

No person, alone or with others, shall:

- 1) Solicit, encourage, aid, or engage in 'hazing' which shall mean intentional, knowing or reckless acts against or the coercion of a person or persons for the purpose of initiation into, affiliating with, holding office in or maintaining membership or employment in any organization, department, club or athletic team such as:
 - Efforts intended to induce physical pain, embarrassment or humiliation;
 - Efforts intended to deprive another of rights;
 - Efforts intended to limit freedom to move;
 - Efforts intended to create physical or mental discomfort.

These prohibitions shall exist regardless of whether the person against whom the conduct is committed participated in, consented to, or acquiesced in the conduct deemed as hazing.

The reasoned and civil exchange of opinions or debate, protected by state or federal law, is not prohibited by this section.



Disruption

No person, alone or with others, shall:

- 1) Disrupt or prevent the peaceful and orderly operation of the school program, including meetings of the Board of Education, budget votes or elections. No person will deliberately interfere with the freedom of any person to express his/her views, in accordance with any district or Board of Education policy, including invited speakers.
- 2) Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- 3) Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct authorized use by others.
- 4) Do anything to disrupt or otherwise interfere with any sports event, social event, or meeting of any sort conducted by or sponsored by the West Irondequoit Central School District or do anything to prevent others at such events from their enjoyment thereof.
- 5) Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

Social Media and Cyberspace

At all times and in all contexts, West Irondequoit personnel including Board members, students, staff, and parents, are expected to maintain appropriate relationships with one another based on mutual respect and professionalism. While individuals are entitled to their private thoughts, expression of such thoughts through social media and/or the Internet are likely to “go viral” and thereby become public. When that occurs, messages that convey disrespect, insult, rumor, slander, bullying, harassment, discrimination, threat, or other injurious elements tend to disrupt the educational process, damage its culture and harm individuals. In addition, they may violate the law and Board of Education policy.

The Board expects all members of the West Irondequoit community to be aware of these dangers and to avoid them. In the event that abuses should occur, the Board will take appropriate action intended to repair damage, impose appropriate consequences, and/or prevent future occurrences. For additional information, see *Student Bill of Rights and Responsibilities*.



Trespassing

No person, alone or with others, shall:

- 1) Enter without permission any office/classroom of any administrative officer, teacher, or staff member.
- 2) Without authorization, remain in any building or facility after it is normally closed.
- 3) Refuse to leave any building or facility after being requested to do so by an authorized school district employee.

Demonstrations and Picketing

- 1) Demonstrations and picketing by outside groups are prohibited on school grounds.
- 2) In the event that a non-school group begins to picket or demonstrate on the school grounds, the building administrator or other administrator aware of the situation will immediately inform the Superintendent or his designee or, in his/her absence, the Director of Environmental Services. Following that, the administrator and/or security personnel, as needed, will inform the demonstration or picketing leader that such activity is not permitted on school grounds and will escort those individuals involved to the perimeter of school property.

Weapons

No person shall bring upon any premises to which these rules apply any rifle, shotgun, pistol, revolver, other firearm or weapon, or reasonable facsimile of a weapon, unless written authorization for such be obtained in advance from a building principal or superintendent. Possession of a weapon on school grounds will be addressed under the terms of Board Policies 3411, 7360, and Administrative Regulations 3411R or 7360R, whichever apply.

Any person, other than a student, in possession of a weapon on school property will be directed to leave the premises and immediately reported to the police. Law enforcement officials will be immediately notified of the incident, and the incident will be reported to the superintendent.

When a student is found to be in possession of a weapon, district officials will respond according to the terms of Board Policy 7360 and Administrative Regulation 7360R.

Visitors

Visitors to any school building shall go directly to the main office or designated location to conduct their business or to secure a badge to go to any other part of the building.



Smoking, Drugs and Alcoholic Beverages

Smoking is prohibited in school buildings, on school grounds or at any school-sponsored activity. (This includes the BOCES campuses and any school transportation vehicles.) The use of e-cigarettes or any other products containing nicotine in any form, except for current FDA-approved smoking cessation products, is also prohibited. No person shall knowingly have in his/her possession, upon any premises to which these rules apply, alcohol in any form and/or illegal or non-prescribed “controlled substance” (“controlled substance” as defined by Penal Law Section 220.00). In instances when the presence of alcohol is suspected, school officials have the discretion to employ the use of an Alco-Sensor. This device detects the presence of alcohol and will assist staff to promote the health, safety and welfare of students.

Except for students and district personnel, persons who violate this provision will be directed to leave school grounds. Law enforcement officials will be notified of any violations of law. District personnel who violate this provision will be subject to consequences under the terms of Board of Education Policy #6150, *Drug Free Schools and Communities; Drug Free Workplace*. Students who violate this provision will be subject to consequences under the terms of Board of Education Policy #7320, *Alcohol and Other Drugs*, and of Administrative Regulation #7320R, *Alcohol and Other Drugs*.

Penalties

- 1) Any student who violates any of the rules of conduct shall be subject to immediate and appropriate disciplinary action. Such disciplinary action may include one or more of the following: warning, reprimand, loss of privilege, detention, or suspension, along with parent notification.
- 2) Any licensee or invitee who violates any of the rules of conduct shall have his or her authorization to remain on the school property withdrawn and shall be directed to leave the premises. Upon failure or refusal to do so, such person shall be ejected from the school property and subject to any other appropriate legal process.
- 3) Any trespasser or visitor without specific license or invitation who violates any of the rules of conduct shall be ejected from the school property and subject to any other appropriate legal process.
- 4) Any instructional staff member who violates any of the rules of conduct shall be subject to the following disciplinary action: warning, censure, compulsory restitution, probation, suspension without pay, or dismissal (in accordance with Education Law and applicable collective bargaining agreements).
- 5) Any non-instructional staff member who violates any of the rules of conduct shall be subject to the following disciplinary action: warning, censure, compulsory restitution, probation, suspension without pay, or dismissal (in accordance with Section 75 of the Civil Service Law and applicable collective bargaining agreements).

Guidelines/Enforcement

- 1) It is not intended by any provision herein to curtail, limit, or otherwise restrict the Constitutional or other legal individual rights of students, faculty, staff, visitor, licensee, or invitee to be heard upon any matter affecting them in their relations with the institution. The provisions contained in the *Code* are intended to prevent abuse of individuals and to maintain an environment consistent with the district's educational mission that allows the Board of Education to effectively carry out its duties. In the case of any apparent violation of these rules, the superintendent or designee may make reasonable effort to persuade those engaged to use permissible methods for the resolution of the issue. In doing so, such school official shall warn such persons of the consequences of persistence in the prohibited conduct, including their removal from any premises of the institution where their continued presence and conduct are in violation of these rules.
- 2) In any case where violation of these rules does not cease after such warning and in other cases of willful violation of these rules, the superintendent or designee shall cause the removal of the violator from any premises which he or she occupies in such violation and shall initiate disciplinary action as previously provided.
- 3) The superintendent or designee shall inform any community member, visitor, licensee, invitee or other person on the premises or facilities of the district whose conduct is in violation of any provision contained in the *Code*, that his or her license or invitation is withdrawn and shall direct him or her to leave the school property. Nothing in the subdivision shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his or her liability to prosecution for trespassing or loitering as prescribed in the penal law. Further, individuals deemed to be in violation of the *Code* while on the premises or facilities of the district may be subject to the penalties contained herein, including but not limited to, removal from district property for a specific period of time.
- 4) The superintendent shall be responsible for the enforcement of these rules and shall designate administrators and other personnel to take action in accordance with these rules. When such action has been so taken, either by the superintendent or designee, the order or directive so made shall be immediately obeyed by the accused person or persons. Such accused person or persons, however, shall retain all rights thereafter of review or appeal afforded him or her by the Education Law, or by any law applicable thereto.



- 5) The superintendent or designee may apply to the public authorities for any aid which he or she deems necessary in causing the removal of any violator of these rules and may request the West Irondequoit Central School District Board of Education to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules or use any other legal process available to enforce these rules.

Security and Safety

The security and safety of students and staff must remain paramount at all times. Any threats, actions, or potential actions or events which may jeopardize student or staff safety or security must be reported immediately to administration by anyone who has reasonable cause to suspect they have occurred or may occur. Administrators will take all reasonable steps to prevent or respond to situations which may jeopardize safety and/or security, following such guidelines from this *Code* and from District and Building Level Emergency Response Plans as may apply. The superintendent will be notified of all such situations at the earliest possible time.



STUDENTS

Purpose

The terms and procedures of this section of the *Code* address student behaviors, as well as the roles and responsibilities of teachers, staff, administrators, and parents, in assuring that our schools remain safe and productive for all.

The vast majority of West Irondequoit students behave in ways that respect the rights of others and the educational mission of the schools.

The terms of this *Code*—and the timely consequences for infractions—are intended to protect those rights and that mission from the few students whose behavior may require intervention and change.

Further rules, regulations, expectations, and disciplinary procedures are outlined in building handbooks, which are appropriately tailored to each school's culture and age/grade level.

Student Bill of Rights and Responsibilities

The West Irondequoit Central School District Board of Education acknowledges certain rights and responsibilities of students in their academic careers. Students are accountable for their individual actions. They are required to abide by the school rules and policies and by pertinent state and federal laws. Students are also required to use lawful means to express disagreement with stated rules.

Student rights and responsibilities include, but are not limited to, the following:

- 1) Every student attending the West Irondequoit Schools will have the right to participate in the curricular programs and services provided as warranted by the student's needs, abilities and interests. No student's rights to attend school or to participate in academic programs shall be suspended except for legally sufficient causes as determined in accordance with due process of law. (See Policy #7313 — Suspension.)
- 2) Eligible students have the right to participate in co-curricular programs, in accordance with district guidelines governing co-curricular activities.
- 3) Every student attending the West Irondequoit Schools will have the right to a safe, healthy, orderly and respectful school environment.
- 4) Every student attending the West Irondequoit Schools will have the responsibility to attend school each day that school is in session and shall not be tardy to or absent from school or any classes except when properly excused.



- 5) Every student attending the West Irondequoit Schools will have the responsibility to refrain from conduct that threatens the safety or health of himself/herself or others, that disrupts the orderly administration or academic focus of the school, or that is disrespectful to other students, teachers, or other members of the school staff.

In accordance with this right, the responsible use of electronic devices, cell phones and social media before, during and after the school day is critical to promoting healthy decision making and a positive climate and culture in our schools. Inappropriate use that includes but is not limited to harassment, bullying, threatening or intimidation of any kind or that creates a disruption to the normal business of the school day will result in school based consequences to include in-school or out-of-school suspension. If the conduct occurs off school grounds and causes or threatens to cause ill will towards a student, the building, or its staff, the conduct will be treated just as it had occurred at school, and the school administration will impose consequences in accordance with the inappropriate conduct.

Prohibited Behaviors

In keeping with New York State Education law, this *Code* prohibits behaviors which threaten or endanger others, or which disrupt the educational program and/or climate of the schools. Such behaviors include “incidents involving the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student’s civil rights and threats of violence.” In addition, students are expected to comply with all reasonable requests and directives of teachers, staff, and administrators. Failure to do so constitutes insubordination.

The following Board of Education policies and Administrative Regulations provide further specific information regarding some of these infractions:

- Policy #7311: Loss or Destruction of Property
- Policy #7312: Student Dress Code
- Policy # 7531: Sexual Harassment
- Policy # 7315: Student Bill of Tights and Responsibilities
- Policy #7320: Alcohol and Other Drugs
- Regulation #7320R: Alcohol and Other Drugs
- Policy #7360: Weapons in School
- Regulation #7360R: Possession of Weapons

The full text of these policies and regulations may be obtained from the District Office. Policies may be viewed online at www.westirondequoit.org.

Range of Responses

Responses to prohibited behaviors may include warnings, parent notification and/or conferences, detention, restriction from activities, restitution, temporary removal from classroom, short-term suspension, long-term suspension, referral to law enforcement agencies, and legal action.

Teacher Detention

Teachers may detain students before or after school.

Study Detention

Administrators may assign Study Detention before or after school as a consequence for reported or observed misbehavior. A written record of the misbehavior and follow-up actions will be issued to appropriate school personnel and to parents.

Discipline: Bus Transportation

Upon receipt of a transportation disciplinary referral, the principal will make a determination of the facts and the level of seriousness of the infraction and will impose a disciplinary response that is commensurate with the misbehavior. Such a response may include, but is not limited to verbal or written warning, parent notification, detention, suspension from transportation privileges or suspension from school.

Generally, parents will be required to make alternative transportation arrangements for children who have been suspended from riding the bus. However, if a suspension from transportation effectively results in a suspension from attendance, the district shall make appropriate arrangements to provide for the student's education.

For students with disabilities, actions affecting transportation which result in a change in program from that authorized by the Committee on Special Education (CSE) or the 504 Team may not be taken unless the CSE or 504 Team authorizes the change.

Suspension from Athletic/Extracurricular Participation

Students who do not adhere to the Co-curricular Participation Regulations established for their activity may be suspended from that activity as specified in the Regulations. A student will be given the opportunity to appear informally before the suspending authority and to present his/her side of the story as part of a general discussion of the conduct under review. In addition, students will have the right to appeal the suspension as specified in the Regulations.

Classroom Climate: Responses to Disruption

Each student is expected to participate productively in the class, and each is responsible for supporting the climate for learning established by the teacher. Disruption of that climate is not acceptable.

Teacher responses to classroom disruption shall be progressive and shall take into account relevant factors regarding the student and the particular situation. Through the use of effective classroom management techniques, most potential disruptions will be curtailed or diminished. When an individual disruption persists, the teacher may invoke appropriate disciplinary actions. These actions may include but are not limited to a period of “time-out,” a meeting with a district staff member for counseling, detentions, and/or other reasonable approaches that may bring about the desired change of behavior. Under this *Code of Conduct*, such techniques do not constitute a “removal from the classroom” in terms of the *Project SAVE* legislation. Teachers will be prepared to document attempted interventions and their effect on student behavior. If the disruptive behavior(s) persist, a temporary removal from the classroom, pursuant to the *Project SAVE* laws becomes a consideration.

Removal from Classroom

Under the *Project SAVE* laws, teachers are authorized to remove disruptive students from their classrooms in keeping with the terms of this *Code of Conduct*. A “disruptive student” is one who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

Teacher removal of a student, as authorized by *Project SAVE* shall be neither the beginning nor the end of a process by which teachers endeavor to assure productive classroom behavior. It will be preceded by less drastic measures to promote appropriate behavior (as indicated in the preceding section), and it will be followed by documentation, formal involvement of parents, teacher, administrator, and counselors (as appropriate), record keeping, and such other steps as are likely to succeed. Nothing in this process is intended to reduce the teacher’s opportunity or responsibility to resolve issues of disruption through the less formal approaches that have traditionally been applied in our schools. Formal, temporary “removal” may occur in addition to, not in place of, other approaches.

Project SAVE Removal: Procedures and Guidelines

A teacher may remove a student from class if the student’s actions substantially disrupt the educational process, interfere with the teacher’s authority in the classroom, or pose a threat to the student or others. The removal will occur only if the teacher has made every attempt to appropriately manage the student within the class (as previously stated in *Classroom Climate; Responses to Disruption*). For self-contained classrooms, the removal will be for a half-day from the time of removal or (in the case of afternoon removals) for the remainder of school that day. Following a discussion between the building administrator and the teacher, a morning removal may be extended to the close of school the same day. For departmentalized classrooms, the removal will be from the class of the removing teacher only and will be in effect for no more than two (2) periods. All actions will follow required building procedures/forms.

A student who is removed from class will be escorted or sent with a pass to a designated location. At the time of removal, the teacher will inform the pupil of the reasons for the removal and listen to the pupil's version of the situation, unless the pupil's continued presence poses the threat of continued danger or disruption. In that case, the teacher will review the situation with the pupil within twenty-four (24) hours of the removal.

On a designated building form, the teacher will provide a written summary of the reasons for and duration of the removal to the appropriate administrator (principal or designee) by the end of the school day in which the removal has occurred. A copy of the form will go to the administrator, and a copy will be mailed to the parents. In addition, by the end of the day in which the removal has occurred, the teacher will telephone the student's parents to inform them of the removal and the reasons for it, as well as of the parents' right to request an informal conference with the administrator and teacher to discuss the situation.

Upon parental request, the principal (or designee) will schedule a conference with the parents and teacher to discuss the situation and to hear the pupil and/or parents' version. The conference will be held within forty-eight (48) hours of the removal.

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

The administrator will not overturn the student's removal unless he/she finds that the charges against the pupil are not supported by substantial evidence or that the pupil's removal is otherwise in violation of law. If the administrator determines the pupil's behavior warrants suspension from school, a suspension will be imposed. The administrator will make a determination no later than the end of the day following an informal conference.

The principal will establish procedures to assure that the educational program and activities for students removed from the classroom will continue. The teacher will maintain a folder of appropriate materials and work for the student during the period of removal, and will provide the student with such work upon removal.

Each teacher must keep a complete log for all cases of *Project SAVE* removal of students from his/her class. The administrator(s) must keep a log of all *Project SAVE* removals of students from class.

In-School Suspension

In-school suspension will be used as a lesser discipline to avoid out-of-school suspension when appropriate. Prior to the imposition of an in-school suspension, the administration shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.

Upon the imposition of an in-school suspension, the student's parents shall be notified of the dates of the in-school suspension and a description of the incident(s) which resulted in the in-school suspension.

Students assigned to in-school suspension are expected to arrive at the designated room on time, to remain throughout the duration of the assignment, and to focus on academic assignments, homework, and study. Students are responsible for obtaining schoolwork from their teachers and for bringing the work and materials for completing it to the in-school room. During any day that a student is suspended, he/she may not participate in any school activities, either before, during, or after school.

Out-of-School Suspension: Short-Term

When a student is suspended for a period of five (5) days or less, the suspending administrator will provide the student with an explanation of the misconduct on which the suspension is based and with an opportunity to present his/her version of events. The administrator will also provide the student's parents with notice and explanation of the suspension by phone if possible, and in writing within twenty-four (24) hours.

The notification will also offer parents the opportunity to request an informal conference with the administrator at which the pupil and/or parent may present their version of events and ask questions of complaining witnesses. The conference will take place as soon after the suspension as is reasonably practicable. If the student's continued presence in school does not pose a danger to persons or property or an ongoing threat of disruption, the conference will take place prior to the suspension.

Students who are suspended out of school may not attend classes, participate in or attend any school functions, or be on school grounds while the suspension is in effect. Schoolwork will be made available as soon as possible to provide for continuation of the student's educational program.

Long-Term Suspension/Superintendent's Hearing

A student may not be suspended for a period in excess of five (5) school days unless he/she and the parent shall have had an opportunity for a Superintendent's Hearing with reasonable notice. The superintendent may appoint a hearing officer to conduct student disciplinary hearings.

Building principals shall submit written requests to the superintendent for a hearing to be held on a student with regard to a particular act of insubordination, disorderly conduct, violence, disruption, and/or endangerment. Following the receipt of such request, a designated hearing officer shall be appointed and the district shall send written notice, via district courier, to the student's parents informing them of the request for the hearing. The notification shall include the following information:

- 1) Detailed statement of the charges.
- 2) Date, time and place of the hearing.
- 3) Requested attendance of the student and parents at the hearing.
- 4) Right of the student to have his/her attorney present at the hearing.
- 5) Right of the student and/or his attorney to ask questions of witnesses or administrators
and to present witnesses and other evidence on behalf of the student.
- 6) A general statement as to the purpose of the proceedings.

Whenever possible, the hearing will be scheduled to be held within five (5) school days of the building principal's request. Hearings will be conducted in accordance with the provisions of the State Education Law. An interpreter will be made available if needed. The student may, at his/her option, make a statement at the hearing regarding the charges, but his/her refusal to do so will not in any way imply guilt or innocence.

When the time required to arrange a hearing exceeds five (5) school days, the student will be entitled to receive instruction from the expiration of the temporary suspension to the date of the hearing. However, if the student fails to appear at the hearing, the suspension will remain in effect until another hearing can be scheduled. The district will make reasonable attempts to accommodate the scheduling needs of students and parents in setting a time for the hearing. Should a student and/or his parents fail to appear at a scheduled hearing two (2) or more times without reasonable cause, the hearing may be held *ex parte*.

Following the hearing, the hearing officer will maintain an intelligible transcript of the hearing and will report findings of fact and recommendations as to an appropriate disposition to the superintendent. The hearing officer's recommendation is advisory to the superintendent. The superintendent's decision may be appealed to the Board of Education by the student and his/her parents.

The district will make arrangements for the continuation of an educational program for suspended students of compulsory school age. At the superintendent's discretion, the district may make similar arrangements for students who are above compulsory school age.

Students on long-term suspension are prohibited from attending any school events and from being on school property without express permission.

Suspension Procedures for 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 will have the benefit of 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 regulations.

Minimum Suspension Periods

Repeated Substantial Disruption

As defined by New York State Education Law 3214, “a disruptive pupil is an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.” Pupils who are disruptive may receive warnings, detention, in-school suspension, or out-of-school suspension up to five (5) days.

Students who are repeatedly substantially disruptive, as defined by the Commissioner of Education, will receive a minimum out-of-school suspension of up to five (5) days. If disruptive behaviors are not corrected after other penalties have been applied, the principal may call for a Superintendent’s Hearing and recommend a long-term suspension.

The Commissioner of Education has defined a “repeatedly, substantially disruptive” student as one whose conduct results in removal from the classroom by a teacher or teachers on four (4) or more occasions during a semester.

Violence

As defined by New York State Education Law 3214, a violent pupil is an elementary or secondary student under twenty-one (21) years of age who:

- 1) Commits an act of violence upon a teacher, administrator or other school employee.
- 2) Commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property.
- 3) Possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death.

- 4) Displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing injury or death.
- 5) Threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death.
- 6) Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property.
- 7) Knowingly and intentionally damages or destroys school district property.

Students who act in a way that would qualify as violent under this definition will receive a minimum out-of-school suspension of up to five (5) days. 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 regulations. Penalties beyond this minimum will be applied to cases of assault, the possession or use of a weapon, and the possession, use, or sale of drugs. (See following paragraphs.)

Alcohol and Other Drugs

Pursuant to Board of Education Policy #7320, persons exhibiting behavioral or physical characteristics indicative of the effects of having consumed alcohol, illegal drugs, or other illicit substances shall be banned from entering school grounds or school-sponsored events.

Student involvement with illicit substances including inappropriate involvement with prescription or over-the-counter drugs is unacceptable and intolerable in a school context. The superintendent and his administrative staff will apply firm disciplinary consequences to any student who comes to school or to a school activity under the influence such substances, or in possession of them or of paraphernalia for their use.

For any drug/alcohol related offenses, including use, inappropriate involvement with prescription or over-the-counter drugs, possession, sale or distribution, or possession of drug paraphernalia, students will be subject to a short-term suspension (up to five (5) days) and to a Superintendent's Hearing to consider long-term suspension (**typically 7-20 weeks**). Disciplinary consequences for students found guilty of substance related charges at a Superintendent's Hearing will be firm. In addition, the district will maintain a program addressing the use and abuse of alcohol, drugs, and other substances with the goal of preventing or delaying student involvement and of supporting rehabilitation for students who do become involved. Because issues of drug and alcohol use affect the entire community, aspects of the program will be developed and carried out in collaboration with staff, students, parents/guardians, and community agencies as appropriate.



Re-entry Conference

For any out-of-school suspension, a re-entry conference with the parents/guardians of the suspended student can be mandated by the principal.

Weapons

Pursuant to Board of Education Policy #7360 and to Administrative Regulation 7360R, students are strictly prohibited from possession, on school grounds or at school events, of any object that can reasonably be considered to be a weapon or a facsimile of a weapon.

Possession with No Intent: A suspension of one to five (5) days is required for the possession of any weapon as described in Board Policy 3411 (other than a firearm as defined in federal law) when it is determined by the principal's investigation that the student possessed the weapon with no intent to use it to inflict harm or to threaten the health, safety, or welfare of others. A Superintendent's Hearing to consider long-term suspension may also be scheduled at the discretion of the principal and/or district administrator. Parents will be notified immediately.

Possession with Intent: If a determination is made that a student possessed a weapon (other than a firearm as defined in federal law) with the intent to use such weapon for harm or threat, or that he/she displayed it in the context of conflict, the principal shall suspend the student for five (5) days. A Superintendent's Hearing to consider long-term suspension shall be scheduled. Parents and law enforcement officials shall be notified of the infraction.

Possession of a Facsimile of a Weapon: Any student who possesses a realistic facsimile of a weapon on school property will be advised of the infraction. Those who use such facsimile in a threatening manner will be suspended for up to five (5) days. Parents and, where appropriate, law enforcement officials shall be immediately notified of the infraction. A Superintendent's Hearing may be scheduled at the discretion of the building and/or district administrator.

Possession of a Firearm: The term 'firearm' "includes 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)."

Pursuant to the Gun Free Schools Act of 1994, any student attending a district school who has been found guilty of bringing a firearm to school, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year. A student with a disability who is determined to have brought a firearm to school may be placed in an interim alternative

educational setting, in accordance with state law, for not more than 45 calendar days, as long as it is determined that the bringing of a firearm to school was not a manifestation of the student's disability.

In keeping with the law, the superintendent has the authority to review and to modify a student's suspension on a case-by-case basis.

Reporting of Violations; Determination of Discipline; Police Notification; Parent Notification

All students are expected to report violations of this *Code* to a teacher, counselor, administrator or other school official. School personnel will report violations of this *Code* to building administrators. Administrators will investigate the situation, make a determination as to the validity and seriousness of reported infractions, and assign measured disciplinary consequences in keeping with the terms of this *Code* and of individual building practices.

In cases of violence, weapons, or any known or suspected situation which poses a real or potential danger to persons or property, school personnel will contact and inform building administrators without delay. Administrators will immediately invoke whatever emergency responses are needed to protect the safety of all persons. The superintendent will be immediately informed. Disciplinary consequences as outlined in this *Code* will follow. In situations which constitute a crime or a potential crime (with the exception of minor violations), the superintendent or the principal will notify police pursuant to the Building Level Emergency Response Plan. As soon as possible, the principal will notify parents of students whose behavior poses a danger to themselves or others.

Parents will also receive written notice of any reported violation and disciplinary action and will have the opportunity to discuss the issues and/or their concerns with school authorities.

Criminal Court Complaints; Juvenile Delinquency Petitions

Violations of this *Code* which constitute criminal acts and/or which endanger persons or property will be reported to the superintendent and to the police. Once any emergency or endangering situation has passed, the superintendent and building principal, in consultation with the police and with a school attorney, will make a determination as to whether or not to file a criminal court complaint or a juvenile delinquency petition on behalf of the district. Upon authorization from the superintendent, the building principal (with support from appropriate school staff as needed) will file the complaint or petition.



Person In Need of Supervision (PINS) Petition; Human Services Referral

Through its programs and personnel the district and each of its schools will make every reasonable effort to support and promote the well-being, healthful adjustment, and responsible behavior of students. The district and its schools will apply their own resources, including administrators, teachers, counselors, Pupil Personnel Services professionals, and others, in collaboration with parents, toward this effort.

Building Pupil Personnel Services (PPS) committees will review and monitor cases of students who have extraordinary needs and may require particular interventions. In situations where district efforts and resources do not result in an appropriate adjustment of a student to the school environment, or when other compelling student needs exist, the school may, among other options, consider filing a PINS petition or a human services referral.

Building PPS committees may recommend a PINS petition or a human services referral to the principal only when other options to meet a student's special needs have been considered and deemed inappropriate or tried without success. Throughout any PPS deliberations, parents will be consulted and their collaboration will be encouraged. The principal will determine whether or not to proceed with a PINS petition or a human services referral.

In situations where parents wish to initiate a PINS petition or human services referral, the school will cooperate and provide support in every reasonable way.

In-service Programs

The district will establish and maintain in-service programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline.

Such programs may include (but are not limited to) developing staff awareness of the district's policies and procedures regarding school safety, specific training in the implementation of such procedures, prevention and intervention strategies, and effective communication.

The time dedicated to such training shall be in keeping with the Commissioner's regulations.



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Mimi Smith, Student Representative

Retain this copy as a reference for this school year 2016-2017



321 List Avenue
Rochester, NY 14617-3125
www.westirondequoit.org
585-342-5500