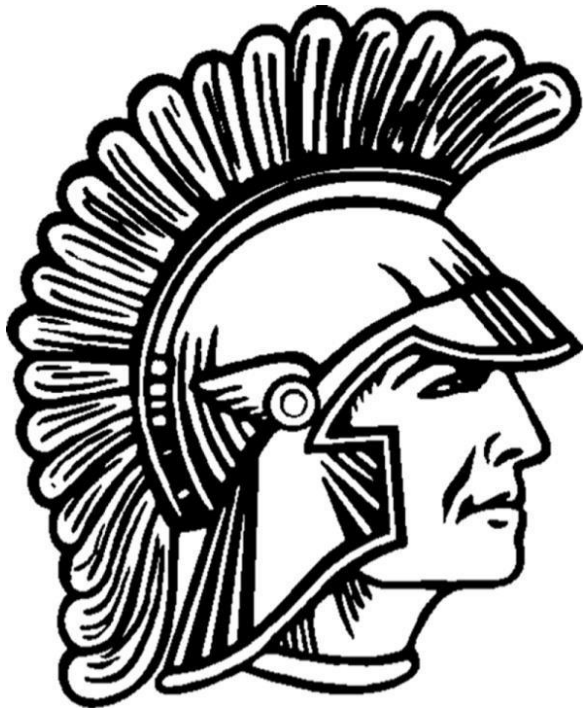


**2018-2019**

**Gates Chili Central School District**

**Code of Conduct  
& Character**



**The Spartan Way**

**Respect : Responsibility : Compassion : Hard Work**

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## SECTION 1 - INTRODUCTION

The Gates Chili Central School District Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal, on school property, school buses, and at all District sponsored events off-campus.

The District has a long-standing set of expectations for conduct on school property, school buses, and at school functions. These expectations are based on the principles found in “The Spartan Way” — Respect, Responsibility, Compassion, and Hard Work.

The Board recognizes the need to clearly define these expectations for acceptable conduct to identify the possible consequences of unacceptable conduct, and to verify that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”).

It is the responsibility of all members of the Gates Chili School Community to learn and adhere to the rules and expectations set forth in this document.

Learning environments that are safe and supportive can increase student attendance and improve academic achievement. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

## SECTION 2 – STUDENT RESPONSIBILITIES

All Gates Chili students must follow the core values of the Spartan Way: Respect, Responsibility, Compassion and Hard Work. By following these core values, students will develop character and pride in their school that will prepare them for citizenship in our community. Students will demonstrate the Spartan Way in the following manner:

### 2.1 Respect & Responsibility

- Learn and practice all District policies, rules and regulations dealing with student conduct.
- Accept responsibility for their actions and contribute to resolution.
- Maintain a safe environment conducive to learning.
- Demonstrate a positive attitude toward self, others, and property.
- Follow direction given by adults in a respectful, positive manner.
- Work to develop and demonstrate self control.
- Use Social Media in a way that is safe and respectful to self and others.
- Seek help in solving problems that might lead to conflict and unsafe school behavior.
- Follow the school Dress Code for all school functions.
- Conduct themselves in a manner that fosters an environment that is free from bullying, intimidation, harassment, and/or discrimination. See DASA in Appendix
- Report, and encourage others to report, any incidents of bullying, intimidation, harassment, or discrimination. See DASA in Appendix

### 2.2 Compassion

- Embrace kindness, acceptance and tolerance of others.
- Acknowledge diversity and celebrate community.
- Demonstrate sportsmanship.

### 2.3 Hard Work

- Attend school every day; be on time.
- Make up missed work when required.
- Ask questions when you do not understand.
- Show your best self: strive to put forth your best effort in all academic and extracurricular pursuits to the highest level of achievement possible.
- Be a positive role model.

## SECTION 3 - ESSENTIAL PARTNERS

All essential partners must support the education of Gates Chili students by modeling the core values of the Spartan Way: Respect, Responsibility, Compassion, and Hard Work. All partners will maintain a culture of mutual respect and dignity. Positive collaboration of all parties strengthens students' self concept and ability to achieve the highest levels of academic excellence and character. The education and conduct of students is the joint responsibility of the family and school community.

### 3.1 Family Members Must:

- Communicate with school regarding information that may affect student conduct or performance.
- Ask questions and share concerns.
- Conform to the regulations regarding residency.
- Ensure their children attend school regularly, on time and ready to participate and learn.
- Ensure absences are excused and students are not taken out of school for unexcused reasons such as vacation or babysitting. Teachers are not expected or required to provide missed work ahead of time.
- Insist their children follow the Gates Chili Dress Code and that students' hygiene is maintained for health and well being of all.
- Know school rules and help their children understand them.
- Use cell phones and/or personal electronic devices on school grounds or at school activities in an appropriate manner.
- Appropriately monitor the use of personal computers and other electronic devices, and their children's use of social media.
- Provide a place for study and ensure homework assignments are completed.
- Teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or other protected category. See DASA in Appendix

### 3.2 District Employees, Volunteers, & Board of Education Must:

- Be prepared to fulfill all professional/work responsibilities, including knowing and applying the Code of Conduct and Character school policies and regulations.
- Enforce with respect and dignity the policies, regulations and rules in a consistent manner.
- Promote effective communication of all parties respective to areas of responsibility, job roles and positions.
- Value and nurture positive relationships with all parties.
- Use cell phones or personal electronic devices on school grounds or at school activities in an appropriate manner, including social media.
- Focus in prioritizing decisions on student academic, social, and emotional well being respective to areas of responsibility.
- Promote a safe, orderly and stimulating school environment, supporting teaching and learning.
- Lead by example with personal conduct that is professional, respectful, and courteous. Including appropriate and professional attire.
- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, or other protected status including transgender. See DASA in Appendix
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. See DASA in Appendix
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting. See DASA in Appendix
- Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal and/or the DAC within **one** school day and to fill out the DASA Incident Reporting form within **two** school days. See DASA in Appendix.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought his or her attention in a timely manner. See DASA in Appendix.

## SECTION 4 – VISITORS

The Board encourages parents and other District community members to visit the District's schools for certain events and activities. The building principal or his or her designee may direct persons in the building and on the grounds. All visitors must follow the core values of the Spartan Way.

For these reasons, the following rules apply to visitors to the schools:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the office/security upon arrival, provide proper ID, scan license, and obtain a visitor identification badge through the Raptor System which must be worn at all times while on school property.
- Visitors attending school functions that are open to the public are not required to register at the school's office.
- Taking pictures, videos, or recording of others should be limited to personal use and posting on social media is prohibited.
- To verify the safety of all students and also that adequate seating will be available during meal times, visits should be authorized 24 hours in advance when possible, unless the building principal or his or her designee have specifically authorized an alternate arrangement. No Visitors will be allowed into classroom without prior arrangement authorized by the building Principal.
- Teachers cannot take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the administrator in charge or his or her designee, will be asked to leave, and the police may be called if the situation warrants.
- All visitors must abide by the rules for public conduct on school property contained in this Code of Conduct.
- Outside food may not be brought into the cafeteria to be shared with other students. Parents are encouraged to purchase school lunches when visiting. Food that does not meet our District's cafeteria regulations will not be allowed (i.e. soda, energy drinks, or items in glass containers, etc.)



## SECTION 5 – STUDENT ATTENDANCE

Good attendance habits are positively related to academic achievement. Educational Law requires that the students enrolled in the schools of the Gates Chili Central School District (School District) attend school on every school day unless properly excused. The regular contact of students with one another in the classroom and their participation in well-planned instructional activities are vital to this purpose. Unwarranted absences (that which are not congruent with state and School District regulations for acceptable absences), which especially occur at or near vacation periods, have a highly adverse effect on the student as well as the entire educational program; therefore, the School District urges all parents to make every effort for their children to be in attendance – Education Law 3205.

### 5.1 Objectives

School attendance is both a right and a responsibility. The School District is an active partner with students and parents in the task of verifying that all students meet or exceed the New York State Learning Standards. Because the School District recognizes that a strong corollary exists between school attendance, academic success, and school completion, the School District developed, reviewed, and revised a Comprehensive Student Attendance Policy to meet the following objectives:

- 1 To increase school completion for all students;
- 2 To raise student achievement and close gaps in student performance;
- 3 To identify attendance patterns in order to design attendance improvement efforts;
- 4 To know the whereabouts of every student for safety and other reasons;
- 5 To verify that individual students are complying with education laws relating to compulsory attendance;
- 6 To determine the District's average daily attendance for State Reporting purposes.

### 5.2 Attendance Strategies and Methods

#### 1. Strategies

- A. Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. The positive school culture is aimed at encouraging a high level of student bonding to the school which, in turn, should lead to increased attendance.
- B. Utilize the District's Student Attendance Policy #7110.
- C. Maintain accurate record keeping via a Register of Attendance to record attendance, absence, tardiness, and/or early departures for each student.
- D. Utilize attendance data for tracking individual student attendance and/or apparent group trends concerning attendance.

## 2. Methods

**Notifying Attendance Personnel** - If a parent or guardian is aware that the student for whom he/she is responsible will be absent, tardy, or leave early, the parent/guardian must notify the attendance personnel that day or the day before the school absence.

### 5.3 Excused Absences, Unexcused Absences, Truancy, and Special Circumstances

Based upon the Gates Chili Central School District's education and community needs, values, and priorities; School District policy and New York State Attendance Laws; the School District has determined that absences, tardiness, and early departures from all or part of the school day will be considered Excused or Unexcused according to the following standards when an appropriate reason for the said absence is received:

- A. **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.
- B. **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner's permit, road test, oversleeping). Any absence for which an excuse is not submitted within five (5) school days after the return of the absentee shall be considered unexcused and shall be so recorded in the attendance register.
- C. **Truancy,** means a student was absent from the school building and/or scheduled instruction without the permission of the District. Truancy will not be tolerated, and truant students will be subject to disciplinary and/or other lawful measures. (See section on disciplinary actions.)

### 5.4 Student Attendance/Course Credit

The District believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc. as determined by the building administrator.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for each marking period.

At the high school, after ten (10) absences in a half-year course or after twenty (20) absences in a full-year course, the Principal will meet with the parent, Assistant Principal, counselor, teacher and student. **At that time, the Principal reserves the right to deny course credit, remove the student from the class and/or approve a credit recovery plan.**

Refer to Policy #7110 Comprehensive Student Attendance Policy for further details.

### **5.5 Notification Provided to Parents or Person(s) in the Parental Role**

**Communication** - A designated staff member shall notify the parent(s)/person(s) in parental role when a student is absent, tardy, or departs early without a proper excuse. The staff member will inquire as to the reason for the student's absence. Communication may include, but is not limited to, phone calls to residence, calls to work, and/or letters. This may also include a phone call in the early evening, through the use of the automated message System.

### **5.6 Potential Remedial or Disciplinary Actions**

The Gates Chili School District believes that there is a positive correlation between student attendance patterns and academic achievement.

## **District Response to Absenteeism and Truancy**

Unexcused absences, unexcused tardiness, unexcused early departures, and truancy will result in disciplinary actions as described in the Gates Chili Central School District's Code of Conduct and/or other lawful measures. Remedial actions may include, but are not limited to, the following:

- Warning
- Parent contact
- Home Visits
- Detention
- Improvement plan or contract
- In-school Suspension
- Assistant Principal's Meeting
- Principal's Hearing
- Loss of privileges
- Out-of-school Suspension, as permitted by law
- Superintendent's Hearing
- Creation of an Improvement Plan/Referral to Monroe County F.A.C.T.
- Referral to Child Protective Services
- Referral to other outside agencies and/or resources

## **5.7 Community Awareness**

Strategies to promote awareness of the Gates Chili Central School District Attendance Policy shall include, but are not limited to, the following:

- Copies of Parent/Student Handbook provided to parents, students and staff members.
- Informational announcements made at faculty/staff meetings, class meetings, Open House, letters, newsletters etc.
- The Policies will be referred to during attendance related parent meetings.
- Provide copies of the policies to outside community agencies upon request.

## SECTION 6 – BEHAVIORAL EXPECTATIONS

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

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

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 following rules are consistent with the Spartan Way values of respect, responsibility, compassion and hard work. They focus on safety and concern for the rights and property of others. Students who violate these school rules will be required to accept the penalties for their conduct.

### 6.1 DRESS CODE

Being attentive to dress requirements is consistent with the Spartan Way values of respect and responsibility. All students must give proper attention to personal cleanliness and dress appropriately and safely for school and school functions. Students and their parents have the primary responsibility to ensure that District Dress Code Standards are followed. District personnel must exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the Dress Code will be required to modify their appearance in order to comply with acceptable standards, i.e., covering, removing or replacing the offending item. Any student who refuses to do so shall be subject to disciplinary action. Any student who repeatedly fails to comply with the dress code shall be deemed insubordinate, and subject to further discipline, up to and including out of school suspension. School administrators may alter these requirements as specific conditions or events may warrant.

*A student's dress, grooming and appearance shall:*

1. Be safe
2. Not disrupt or interfere with the educational process
3. Not be provocative

*Examples of prohibited attire may include, but are not limited to:*

- Extremely brief, revealing, or see-through garments
- Clothing that allows undergarments to be exposed
- Tops with large arm hole openings (exposing torso)
- Tank tops with less than 2" wide straps
- Bandanas
- Skirts or shorts that are of a revealing nature as determined by administration
- Items of clothing with sexual, violent, or drug related references or innuendos
- Clothing attachments or accessories that could be considered to be weapons (for example, long chains or spiked jewelry)

*Furthermore, dress choices are to:*

- Exclude the wearing of any jewelry during Physical Education classes or during athletic practice/competition.
- Include footwear at all times. Footwear that is a safety hazard will not be allowed, for example, wearing flip-flops, sandals or Crocs during PE classes or outdoor recess is unsafe.
- Exclude the wearing of head coverings (for example hoods/hats) in school following the start of the regular school day except for medical or religious purposes.
- Exclude items that are vulgar, obscene, and libelous or denigrate others based on race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex or other protected status.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other Code of Conduct violations.
- Exclude the wearing of outdoor coats/jackets or trench coats during the school day.
- Exclude any dress or clothing that a school principal has designated as a gang or group identity that may become disruptive, is negative, or intimidating.
- Exclude pants not secured at the waist.

## 6.2 STUDENT PERSONAL ITEMS

All personal items are the responsibility of the owner. The District is not responsible for lost, damaged, or stolen items.

### 1. ELECTRONIC DEVICES

While the District acknowledges the wide spread use of electronic devices, it is the responsibility of each student and his/her family to use such devices in accordance with school protocols. Electronic devices include, but are not limited to cell phones, radios, video recording devices, game consoles, MP3 players, tablets, or other telecommunications or imaging devices. Taking pictures, videos, or recordings of others during school, at school events, or on the school bus without permission is prohibited.

#### Elementary Level

Students are prohibited from carrying personal electronic devices during the school day. The school is not responsible for securing personal electronic devices that are brought and stored on campus.

#### Middle School Level

Students are expected to carry their school issued laptop during the school day, unless otherwise noted. Other electronic devices are to be secured in their lockers during the instructional day, unless permission is granted for instructional purposes.

#### High School Level

Students are expected to carry their school issued laptop during the school day, unless otherwise noted. Electronic devices are expected to remain off unless in an area designated for their use or with faculty/staff permission.

### 2. PACKS/HANDBAGS

Carrying backpacks, book bags, rope bags and/or extra large purses (larger than 8.5x11.0 inches) is prohibited during the instructional day. These items need to be kept in lockers or designated areas unless authorized by the building principal or his/her designee.

## 6.3 STUDENT CONDUCT

The Gates Chili School District is committed to providing a safe and orderly school environment. Appropriate student conduct is essential in achieving an optimal learning environment. The expectations of our students are based on the core values found in “The Spartan Way” - Respect, Responsibility, Compassion, and Hard Work.

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

- Engage in any form of academic misconduct.
- Engage in conduct that is disorderly or disruptive.
- Engage in conduct that is insubordinate.
- Engage in any conduct that endangers the safety, morals, health or welfare of others.
- Engage in conduct that is violent.

### 1. Academic Misconduct

Examples of academic misconduct include, but are not limited to:

- Plagiarism
- Cheating
- Copying
- Altering records
- Intentionally assisting another student in any of the above actions

### 2. Conduct that Is Disorderly or Disruptive

Examples of disorderly conduct include any behavior that is, or promotes substantial distraction from the learning environment or undermines the health and safety of the school environment, including, but not limited to:

- Running/disorderly behaviors in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Engaging in behavior, on or off-campus, which disrupts the normal operation of the school community including those acts as defined in the New York State Penal Law on Disorderly Conduct.
- Tardiness to class or unexcused absences.
- Engaging in computer/electronic communications misuse, including but not limited to any unauthorized use of computers, software, or internet/intranet account(s); accessing inappropriate websites; or any other violation of the District’s acceptable use policy.



- Using/carrying cell phones, radios, pagers, video recording devices, MP3 players, or other telecommunications, electronic or imaging devices during the instructional day except in such areas or at times specifically authorized by the building principal or classroom teacher for educational purposes.
- Illegal use of, or disruption by a cell phone or electronic device is prohibited during any State, AP, or Final Exams.
- Engaging in inappropriate displays of affection or sexual activity.
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- Obstructing vehicular or pedestrian traffic, as well as failure to safely operate vehicle.
- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Any student who is suspended from school must obtain his/her building administrator's approval to be on school property during the suspension.

### **3. Conduct that Is Insubordinate**

Examples of insubordinate conduct include, but are not limited to:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Failure or unwillingness by students and other individuals to identify themselves to school personnel when requested to do so.
- Missing, leaving campus, lateness for school without permission or truancy from detention.
- Other violation of a school rule or board of education policy.

### **4. Conduct that Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include, but are not limited to:

- Harassment, which includes any action or a persistent, pervasive pattern of actions or statement (verbal, written, electronic or graphic) directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Harassment may include, but is not limited to:
  - Cyberbullying
  - Threatening, hazing, and harassing students or school personnel.
  - Using message boards to convey threats, derogatory comments or post pornographic material.

- Sexual Harassment, all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. Sexual harassment may include, but is not limited to, the following:
  - Verbal harassment or abuse.
  - Pressure for sexual activity.
  - Repeated remarks to a person, with sexual or demeaning implications.
  - Unwelcome touching, leering, flirtations or propositions.
  - Graphic verbal comments or intrusive sexual conversation or questioning.
  - Sexual jokes, stories, drawings, pictures or gestures.
  - Spreading sexual rumors.
  - Sexting; taking, sending or receiving sexually explicit videos, pictures or auditory recordings.
- Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, Facebook, or other social networking or blogging sites, etc.)
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- Bullying behaviors that berate or intimidate another student(s):
  - Using threats, insults and/or gestures
  - Cyberbullying; interferes with the operation of the school; or infringes upon the general health, safety and welfare of students and/or employees.
- Misrepresenting one's self to school personnel by lying, forging or giving false identification.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- Discrimination, which includes the use of race, color, weight, national origin, ethnic group, religion, religious practice, gender, gender identity, sexual orientation, disability, or other protected status as a basis for treating another in a negative manner. See DASA in Appendix.
- Using vulgar or abusive language, cursing or swearing.
- Selling, using, or possessing obscene material.
- Using, possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. This

includes the use, possession, consuming, selling, distributing, or exchanging “look-alikes” that represent illegal substances. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, drug paraphernalia, look-alike/synthetic drugs, prescription and/or over the counter drugs, cigarettes, chewing or smokeless tobacco, vaping devices, electronic cigarettes, cigars, any such devices that simulate an illegal substance and any substances commonly referred to as “designer drugs.”

- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Encouraging others to fight as well as failing to follow directives to disperse in the event of a fight.
- Carrying back packs, book bags, rope bags and/or extra large purses. These items need to be kept in lockers or designated areas during the instructional day unless authorized by the building principal or his/her designee.
- Gambling.
- Possession of a laser pointer.
- Any behavior that promotes and/or endorses the use of alcohol, illegal drugs, gang/group identity and/or encourages other Code of Conduct violations.

## **5. Conduct that is Violent**

Examples of violent conduct include each of the acts summarized in the School Safety and the Educational Climate (SSEC) Form published by the New York State Education Department. Other examples include, but are not limited to:

- 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.
- Committing an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator, other school employee, another student or any other person lawfully on school property or attempting to do so
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- Intentionally damaging or destroying school District property.

## SECTION 7 – REPORTING VIOLATIONS

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

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

Any weapon, alcohol or illegal substance found shall be confiscated immediately. Notification to the parent of the student involved and the appropriate disciplinary action if warranted, which may include a referral to local law enforcement. The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that may constitute a crime and substantially affect the order or security of a school, as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

The Superintendent may release, at her/his discretion, such records of violations and actions taken to local law enforcement agencies to the extent allowed under law.

## SECTION 8 – BEHAVIORAL RESPONSES, PROCEDURES, & REFERRALS

### 8.1 Student Rights

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

- A. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation, gender identity, disability, and/or other status protected by law.
- B. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty.
- C. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
- D. Exercise freedom within established guidelines and to demonstrate responsibility for their behavior.
- E. Receive guidance in the understanding and development of self-discipline and responsibility.
- F. Expect an orderly school environment which includes:
  - Personal safety.
  - An atmosphere in which learning can take place.
  - An atmosphere which promotes emotional security.
- G. Expect that school regulations will comply with federal, state, local educational law.
- H. Expect that school personnel will act and make decisions based on each student's best interests.
- I. Expect Due Process procedures which include:
  - The right to be informed of all school rules.
  - The right to expect fair, appropriate and consistent enforcement of rules.
  - The right to expect communication and cooperation between school and home.

### 8.2 Behavioral Responses

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

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

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

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

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

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

- A. Oral discussion and/or warning – any member of the District staff.
- B. Written warning – all District employees such as, but not limited to secretaries, aides, security and custodial and school supervisory personnel.
- C. Written notification to parent – athletic director, transportation supervisor and other designated personnel, i.e., coaches, school counselors, teachers, assistant principal, principal, Superintendent.
- D. Written student behavioral contract/agreement
- E. Detention – teachers, assistant principal, principal, Superintendent.
- F. Suspension from transportation – assistant principal, principal, Superintendent, following consultation with the supervisor of transportation
- G. Suspension from athletic participation and/or attendance – coaches, assistant principal, principal, Superintendent and athletic director.
- H. Suspension from social or extracurricular activities – assistant principal, principal, Superintendent.
- I. Suspension of other privileges – assistant principal, principal, Superintendent.
- J. In-school suspension – assistant principal, principal, Superintendent.
- K. Removal from classroom– teachers, assistant principal, principal.

- L. Short-term (five days or less) suspension from school –principal, Superintendent, Board of Education.
- M. Long-term (more than five days) suspension from school –Superintendent, Board of Education.
- N. Permanent suspension from school – Superintendent, Board of Education.

### **8.3 Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained in Numbers 1-8 below.

#### **1. Detention**

Teachers, assistant principals, principals and the Superintendent may use lunch or after school detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the student's parent has been notified and the student has appropriate transportation home following detention.

#### **2. Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus and/or a designated bus stop, the bus driver is expected to bring such misconduct to the school administration's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the assistant principal, principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to an inability to attend, the District will make appropriate arrangements to provide for the student's education, as determined by the District.

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

### **3. Suspension from athletic participation, co-curricular activities and other privileges.**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved. Suspensions longer than two days from such events and/or activities will require authorization by the Director of Athletics. Suspensions longer than one week will require the approval of the Superintendent.

### **4. In-school suspension**

The Board recognizes that schools must balance the needs of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes assistant principals, principals, and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." Within this setting, educational programming and activities will continue.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the penalty involved.

### **5. Disciplinary removal of disruptive students**

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

These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:

- A. Short-term "time out" in a classroom or in an administrator's office; or a designated supervised location.
  - B. Sending a student to an administrator's office or a designated supervised location for the remainder of the class time only; or
  - C. Sending a student to a school counselor or other District staff member for counseling.
- Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.



On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior expectations.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately to go to the office or designated supervised location. The teacher must, however, explain to the student and the parent why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. A parent may request an informal conference with the teacher and building administrator.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- A. The charges against the student are not supported by substantial evidence.
- B. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
- C. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

**Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the 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. For further clarification see "Discipline of Students with Disabilities."**

## **6. Suspension from school**

Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

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

All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or principal, when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

**A. Short-term (5 days or less) suspension from school**

When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation to the student of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school prior to the actual suspension. Notification must be provided by telephone, followed by a written notice delivered by means reasonably calculated to assure receipt within 24 hours. Oral notification is NOT a substitute for the required written notification.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

**After the conference, the principal shall promptly advise the parents in writing of his or her decision.** The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

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

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations to the superintendent as to the appropriate measure of discipline. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

The Superintendent may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Superintendent retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be specified in writing.

**C. Permanent suspension**

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

**7. Periods of Suspension**

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

**A. Students who bring a weapon to school**

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

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be suspended from school up to five days. For purposes of this Code of Conduct, "who is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by a teacher. If the proposed penalty results in a suspension from school, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the recommended penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered for possessing a weapon.

**D. Students who possess, sell, or are under the influence of drugs or alcohol**

Students found guilty of possessing, selling, or being under the influence of drugs will be subject to a long-term suspension from school. In addition, law enforcement authorities will be contacted whenever students possess, sell or are under the influence of drugs or alcohol.

## **8. Involvement of Law Enforcement**

Students who engage in conduct or behavior that impacts the safety of other students, negatively affects our school environment or constitutes a crime will be subject to the involvement of law enforcement as appropriate up to the fullest extent of the law.

## **9. Referrals**

### **A. Counseling**

Counseling services could be provided by in district mental health staff and/or outside resources/services, where appropriate and where consent is provided.

### **B. Family Access and Connection Team (FACT)**

The District may submit a referral for this strength - based assessment and referral program designed to support families experiencing difficulties with their children under the age of 18 exhibiting a pattern of the following behaviors:

- Behaving in a way that is dangerous or out of control: violence in the home/destruction of property, verbally and/or physically aggressive, including injury to others or pets/animals, self-harming behavior.
- Stealing, theft from family/residence
- Drug/alcohol abuse
- Leaving home without permission, curfew violations
- Truancy – missing full days/illegal absences
- PARENTS or GUARDIANS can call the Family Access and Connection Team at (585-753-2639).

### **C. Juvenile Justice Programs**

The superintendent is required to refer the following students to the Regional Youth Justice Team for a juvenile delinquency proceeding before the family court:

- Any student under the age of 16 who is found to have brought a weapon to school, or
- Any student who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20 (42)

The superintendent is required to refer students age 16 and older or any student who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **SECTION 9 – ALTERNATIVE EDUCATION**

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.

## SECTION 10 – DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities possess certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to verifying 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.

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

*For purposes of this section of the Code of Conduct, and consistent with applicable law and regulations, the following definitions apply:*

- A. **Behavioral Intervention Plan** - (BIP) - means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
- B. **Suspension** - means a suspension pursuant to New York’s Education Law § 3214.
- C. **Removal** - means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student is at risk of harming himself, herself or others.
- D. **Interim Alternative Educational Setting** - (IAES) - means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
- E. **Weapon** – means a weapon, device instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury.
- F. **“Controlled substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- G. **“Illegal drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- H. **“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 cumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
- I. **“Manifestation review”** means a review of the relationship between the student’s disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
- J. **“Manifestation team”** means a District representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the District.
- K. **“School day”** means any day, including a partial day that students are in attendance at school for instructional purposes.
- L. **“Serious bodily injury”** means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
- M. **“Student presumed to have a disability”** for discipline purposes means a student who, under the conditions set forth later in this policy, the District is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.



## 10.1 Authorized Suspensions or Removals

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

- A. The Board, the (BOCES) Superintendent, the District Superintendent or a building principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

The superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension.

The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

The superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student's behavior is a manifestation of the student's disability and if the student either:

- carries or possesses a weapon to school or to a school function,
- knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the school's jurisdiction,
- has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the school's jurisdiction.

The superintendent may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

## **10.2 Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension in writing and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.

The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the superintendent or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, if the superintendent or the designated hearing officer intends to suspend beyond 10 school days, he or she will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a non-disabled student, except that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the student may not be suspended beyond 10 school days, unless the behavior involved weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES for up to 45 school days.

## **10.3 Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals in excess of 10 school days as set forth in the Definitions section of this policy, unless:

- A. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
- B. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the District's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### **10.4 Parental Notification of a Disciplinary Change of Placement**

The District will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### **10.5 Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### **10.6 Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The Superintendent to change the placement of a student to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances;
2. An impartial hearing officer to place a student in an IAES due to dangerousness; or
3. The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the District's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review of all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the District will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the District had already done so prior to the behavior that resulted in the disciplinary change of placement. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the District agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the District's failure to implement the student's individualized education program, the District will take immediate steps to remedy those deficiencies.

### **10.7 Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the District will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the District will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the District will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment. If applicable, upon return, behavioral intervention services and modifications designed to address the behavior violation will be implemented.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the District will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur. In such an instance, the committee on special education will determine the appropriate services to be provided.

## **10.8 Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the District is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the District had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The District will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the District's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the District's receipt of information supporting a claim that it had knowledge the student has a disability.

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the District receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the District will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the District which can include suspension.

### **10.9 Expedited Due Process Hearings**

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;

The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;

The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or

The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

### **10.10 Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, the Superintendent will verify that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **SECTION 11 – 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 Commissioner’s regulations.

## **SECTION 12 – STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to providing 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 Superintendent, the Superintendent’s designee, building principals, assistant principals, the school nurse and District security officials 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 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 the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. 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 he or she violated the law or the District Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

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

#### **B. Strip Searches**

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. Under no circumstances should a school employee conduct a strip search of any student.

If a school official is presented with a situation which in his/her professional opinion requires a more thorough search of the students' person, the school official should call the police and refer the matter to them for further action.



### **C. Documentation of Searches**

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

- A. Name, age and grade of student searched.
- B. Reasons for the search.
- C. Name of any informant(s).
- D. Purpose of search (that is, what item(s) were being sought).
- E. Type and scope of search.
- F. Person conducting search and his or her title and position.
- G. Witness to the search.
- H. Time and location of search.
- I. Results of search (that is, what item(s) were found).
- J. Disposition of items found.
- K. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **D. Police Involvement**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work.

Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- 1. A search or an arrest warrant; or
- 2. Probable cause to believe a crime has been committed on school property or at a school function; or
- 3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee 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 questioning or search shall not be conducted. The principal or designee 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:

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

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

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

All requests by child protective services to interview a student on school property shall be made directly to the administrator in charge or his or her designee. The administrator or his or her designee shall set the time and place of the interview. The administrator or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school District official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order or other demonstrable legal right, unless the worker reasonably 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 if the danger of abuse exists.

## **SECTION 13 – PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including, but not limited to students, teachers and District personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property will be properly attired.

### **13.1 Prohibited Conduct**

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school District property or the personal property of a teacher, administrator, other District employee or any person on school property.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Steal the property of others on school property or while attending a school function.
8. Obstruct the free movement of any person in any place to which this Code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function. In addition, the use of tobacco products is prohibited.

11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable school District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.
16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

### **13.2 Penalties**

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

- A. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- B. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- C. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- D. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- E. Staff members other than those described above. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **13.3 Enforcement**

An administrator of the District or his or her designee shall be responsible for enforcing the conduct required by this Code.

When a District administrator or his or her designee see an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the administrator or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop.

The administrator or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the administrator or his or her designee shall have the individual removed immediately from school property or the school function.

If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## SECTION 14 – DISSEMINATION AND REVIEW

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

- A. Making copies of the Code available to all parents and students at the beginning of the school year.
- B. Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and making a summary of the Code available later upon request.
- C. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
- D. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- E. Making copies of the Code available at school offices, libraries and on the District's web site for review by students, parents and other community members.

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

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

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

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## APPENDIX 1 – SSEC DEFINITIONS

School Safety and the Educational Climate – (SSEC) – NYS definitions

### As defined by New York State Department of Education:

- A. **Homicide:** conduct that results in the death of another person
- B. **Forcible sexual offense:** involving forcible compulsion
- C. **Other sexual offense:** involving inappropriate sexual contact (forcible compulsion)
- D. **Robbery:** forcible stealing of property from a person by threatening the immediate use of physical force
- E. **Arson:** Deliberately starting a fire with intent to damage or destroy property, with or without a weapon. The fire may be started by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with or without a weapon. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.
- F. **Assault with serious physical injury:** intentionally or recklessly causing physical injury which creates substantial risk of death or serious or protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of the bodily organ
- G. **Kidnapping:** to abduct a person or restrain a person with intent to prevent his or her liberation
- H. **Assault with physical injury:** intentional or reckless act causing impairment of physical condition or substantial pain (in violation of the school district code of conduct)
- I. **Reckless endangerment:** subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious injury but not actual physical injury
- J. **Minor altercations (assaults):** involving physical contact and no physical injury
- K. **Intimidation, harassment, menacing, or bullying:** no physical contact; intentionally placing another person in fear of imminent physical injury
- L. **Burglary:** entering or remaining unlawfully on school property with intent to commit a crime
- M. **Criminal mischief:** intentional or reckless damaging of school property or the property of another person, including but not limited to vandalism and the defacing of property with graffiti
- N. **Larceny, or other theft offense:** unlawful taking and carrying away of personal property with intent to deprive rightful owner of property
- O. **Bomb threat:** a telephoned, written, or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property

- P. **False alarm:** falsely activating a fire alarm or other disaster alarm
- Q. **Riot:** four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk or physical injury or substantial property damage or causing public alarm
- R. Weapons possession only
- S. Use, possession, or sale of drugs only
- T. Use, possession, or sale of alcohol only
- U. **Other disruptive incidents:** incidents involving disruption to the educational process serious enough to lead to consequence.



## APPENDIX 2 – CODE DEFINITIONS

For purposes of this Code, the following definitions apply:

- A. “*Disruptive student*” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with a teacher’s authority over the classroom.
- B. “*Parent*” means parent, guardian or person in a legally recognized parental relation to a student.
- C. “*School property*” means in or with any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- D. “*School function*” means any school-sponsored extracurricular event or activity, wherever that function is located.
- E. “*Violent student*” means a student under the age of 21 who commits an act of violence as listed on the NYS Violence and Disruptive Incident Report form and/or who:
  - Commits an act of violence upon a school employee, or attempts to do so.
  - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
  - Possesses, while on school property or at a school function, a weapon.
  - Displays, while on school property or at a school function, what appears to be a weapon.
  - Threatens, while on school property or at a school function, to use a weapon.
  - Knowingly and intentionally damages or destroys the personal property of any person lawfully on school property or at a school function.
  - Knowingly and intentionally damages or destroys school District property.
- F. “*Weapon*” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, toy gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other knife, device, instrument, facsimile, prop, material or substance that can cause physical injury or death when used to cause physical injury or death. Or any weapon as defined in the NYS Penal Law under section 120.0.
- G. “**Controlled substance**” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

- H. “**Illegal drugs**” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
- I. “*Plagiarism*” is the use or close imitation of the language and ideas of another author and representation of them as one’s own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.
- J. “*Excused absences*” are defined as an absence, tardiness or early departure due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations or other such reasons as may be approved by the Board of Education.
- K. “*Unexcused absences*” are defined as an absence, tardiness or early departure if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, haircut, obtaining learner’s permit, road test, oversleeping).
- L. “*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.
- M. “*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.
- N. “*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.
- O. “*Sexual orientation*” means actual or perceived heterosexuality, homosexuality, or bisexuality.
- P. “*Gender*” means actual or perceived sex and includes a person's gender identity or expression.

Q. “*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 educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; 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, or other protected category.

## APPENDIX 3 – DIGNITY FOR ALL STUDENTS ACT (DASA)

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

*The District condemns and prohibits all forms of bullying discrimination and harassment of students (including cyberbullying) based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex and/or other protected status by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.*

### **Dignity Act Coordinator**

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

Dignity Act Coordinators can be found on the Gates Chili School District's website, as well as below:

- High School- Jennifer Kern (jennifer\_kern@gateschili.org)
- Middle School - Rebecca Scott (rebecca\_scott@gateschili.org)
- Neil Armstrong Elementary School - Lisa McGary (lisa\_mcgary@gateschili.org)
- Florence Brassler Elementary School - Timothy Young (timothy\_young@gateschili.org)
- Walt Disney Elementary School - Elaine Damelio (elaine\_damelio@gateschili.org)
- Paul Road Elementary School - Peter Hens (peter\_hens@gateschili.org)

### **Reports and Investigations of Discrimination and Harassment**

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

## **Disciplinary and Remedial Consequences**

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students by developing measured, balanced, and age-appropriate responses to the discrimination and harassment of students by students and/or employees on school property, including school functions, with remedies and procedures focusing on intervention and education. The remedial responses are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

Appropriate disciplinary and remedial measures may include, but are not limited to:

- peer support groups;
- corrective instruction or other relevant learning or service experience;
- supportive intervention;
- behavioral assessment or evaluation;
- behavioral management plans, with benchmarks that are closely monitored;
- modification of schedules;
- adjustment in hallway traffic and other student routes of travel;
- student counseling and parent conferences;
- detentions and/or suspensions.

## **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

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