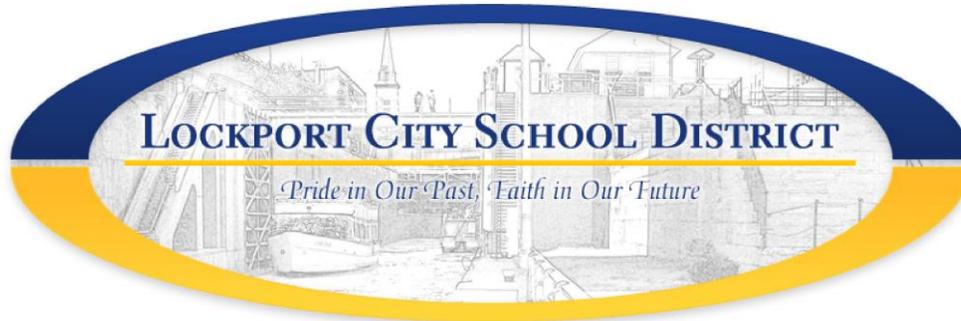


LOCKPORT CITY SCHOOL DISTRICT CODE OF CONDUCT



June 2018

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Approved: June 2018

Our mission is to assure comprehensive learning for all so that each person will be a lifelong learner

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I. INTRODUCTION

The Lockport Board of Education ("Board") is committed to providing a safe and orderly school environment, in which students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior is expected by all students, teachers, other district personnel, contracted personnel, parents, and other visitors and is essential to achieving a positive school climate that is safe and disciplined. It is the intention of the Board of Education that this Code of Conduct be applicable to all parties specified previously.

The Lockport City School District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of humility, kindness, honesty, respect, and responsibility. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, and during school-authorized functions. Disciplinary action will be taken when necessary for unacceptable behavior. To this end, the Board adopts this Lockport Code of Conduct ("code").

The Dignity for All Students Act (DASA) was signed into law on September 13, 2010. This legislation amended State Education Law by creating a new Article 2 - Dignity for All Students. The Dignity Act states that NO student shall be subjected to harassment or discrimination by employees or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The Dignity Act amended Section 801-a of the New York State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others, and dignity. The Dignity Act also amended Section 2801 of the Education Law, instructing Boards of Education to include language in the Codes of Conduct to comply with the Dignity Act.

II. DEFINITIONS

For purposes of this code, the following definitions apply:

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

"Harassment/Bullying" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including but not limited to cyberbullying, that: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

"Cyberbullying" (also referred to as "Internet bullying") means any harassment or bullying that occurs through or by any form of electronic communication. Cyberbullying includes but is not limited to instant messaging, text messaging, e-mail, digital photographs or images, social networking, or website postings (blogs, chat rooms, etc.), when such use

of technology interferes with the operation of the school, or infringes upon the general health, safety or welfare of students or employees. Cyberbullying includes but is not limited to any use of technology that constitutes harassment, teasing, intimidation, threatening, or terrorizing of another individual.

Examples of cyberbullying include but are not limited to:

- Sending to others or posting any inappropriate, hurtful, rude, or derogatory e-mails or other electronic messages, instant messages, text messages, digital pictures or images, or website postings (including but not limited to blogs).
- Spreading rumors or lies about others by text message or e-mail or posting on any social networking sites.
- Creating or sharing pictures, websites, videos or social media profiles, including fake profiles that embarrass, humiliate, or make fun of others.

Cyber bullying is different from face-to-face bullying because messages, videos, pictures and/or images can, among other things, be:

- Sent 24 hours a day, 7 days a week, 365 days a year.
- Distributed quickly to a very wide audience.
- Sent anonymously.

Examples from SED website www.nysed.gov

"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.

"Discrimination" means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"Disruptive student" means a student, under the age of 21, who disrupts the educational process or interferes with the teacher's authority over the classroom.

"Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

"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.

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

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

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

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

"Plagiarism" means 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.

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

"Religion" means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

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

"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.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law 142.

"School function" means any school-sponsored extra-curricular event or activity.

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

"Sexual Identity" means sexual orientation identity which is when people identify or disidentify with a sexual orientation or choose not to identify with a sexual orientation.

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

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence, as defined in the NYS Violent and Disruptive Incident Reporting (VADIR) system, upon a school employee (See Appendix A);
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person on school property or at the school function;
3. Possesses, or displays while on school property or at a school function, a weapon;
4. Displays while on school property or at a school function, what appears to be a weapon;

5. Threatens, while on school property or at a school function, to use a weapon;
6. Damages or destroys school district property or the personal property of any school employee or any person lawfully on school property or at a school function.

"Visitor" means any person who is not either a regular staff member or a student of the school.

"Weapon" means a firearm as defined in 18 USC 921 for purposes of the Gun Free Schools Act. It also means any device, instrument, material or substance (including any listed in VADIR definition) that can cause serious physical injury or death when used as a weapon. (refer to VADIR definition in Appendix A)

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

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

The district is committed to safeguarding the rights given to all students under state and federal law, which include:

1. A safe, healthy, orderly and civil school environment;
2. Taking part in all district activities on an equal basis regardless of age, weight, ethnic group, religious practice, race, gender, religion, color, national origin, sex, sexual orientation, political affiliation, use of a recognized guide dog, hearing dog or service dog, disability or any other classification protected by law;
3. Presenting their version of the relevant events to school personnel authorized to impose a disciplinary consequence;
4. Accessing school rules and, when necessary, receiving an explanation of those rules from school personnel.
5. The protection of students from threats and inappropriate content accessible through the District network through the use of internet filters and monitoring.

B. STUDENT RESPONSIBILITIES

All district students have the responsibility of:

1. Contributing to maintaining a safe and orderly school by following the Lockport City School District Code of Conduct;
2. Attending school every day, on time, and prepared to learn;
3. Working to the best of their ability in all academic and extracurricular pursuits;
4. Reacting positively and responsibly to direction given by all school personnel;
5. Working to develop mechanisms that control their anger;
6. Seeking help in solving problems that might lead to disciplinary action;
7. Asking questions when they do not understand;
8. Dressing appropriately, in accordance with Lockport City School District Code of Conduct, for school and school authorized functions;

9. Accepting responsibility for their actions;
10. Conducting themselves as representatives of the district when participating in, or attending school-sponsored extracurricular events.
11. Securing their personal belongings (money, jewelry, technology, etc.)
12. Using District technology and other resources for academic and school related activities, respecting and not destroying or altering technology hardware and software.

IV. ESSENTIAL PARTNERS

A. PARENTS

All parents and/or persons in parental relation are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community;
2. Ensure that their children attend school as scheduled, ready to participate and learn, and provide written notification of any absences;
3. Help their children understand that appropriate rules are required to maintain a safe, orderly environment as per the "code";
4. Know school rules and help their children understand them;
5. Convey to their children a supportive attitude toward education and the district;
6. Help their children deal with peer pressure in accordance with the "code";
7. Inform school officials of changes in the home situation that may affect student conduct or performance;
8. Provide a place for study and ensure homework assignments are completed;
9. 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 any other classification protected by law which will strengthen the child's confidence and promote learning in accordance with Dignity for All Students Act.
10. Demonstrate that all members of the school community should be treated with tolerance and respect and, therefore, set a good example in their own speech, conduct, and behavior.
11. Seek to clarify a child's version of events with the school's view in order to bring about a peaceful solution to any issue.
12. Approach the right member of school staff to resolve any issues or concerns.
13. Follow the chaperone guidelines for field trip a outlined in Policy Regulation 8460R (www.lockportschools.org\Domain\1300).

B. TEACHERS

All district staff are expected to: (this includes coaches, volunteer coaches, and substitutes)

1. Maintain and model 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, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Know school policies and rules, and enforce them in a fair and consistent manner;

3. Communicate to students, parents, and administration (concerns of any kind shall always first be addressed with the parent directly prior to making a school referral) :
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
 - f. Routines and procedures (these shall be taught and practiced regularly)
4. Communicate regularly with students, parents and other school staff concerning growth and achievement;
5. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function;
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
8. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.
9. Actively participate in training sessions or workshops as offered or available.

C. COUNSELORS

All district counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems;
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
3. Regularly review with students their educational progress and career plans;
4. Provide information to assist students with career planning;
5. Encourage students to benefit from the curriculum and extracurricular programs;
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identify, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;

7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
8. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.
9. Actively participate in training sessions or workshops as offered or available

D. PRINCIPALS

All district principals are expected to:

1. Inform all students and their parents of the Code of Conduct at the beginning of the school year.
2. Promote a safe, orderly school environment, supporting active teaching and learning;
3. Ensure their accessibility to students, staff, and parents;
4. Evaluate on a regular basis all instructional programs;
5. Support the development of student participation in appropriate extracurricular activities;
6. Be responsible for enforcing the "code" and ensuring that all cases are resolved promptly and fairly;
7. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other classification protected by law with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;
8. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
9. Comply with all reporting requirements as directed by the State Education Department.
10. Be prohibited, in any circumstances, from dating, or engaging in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have consented to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a students unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. "Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, email, instant messaging, text messaging, or through social networking websites.
11. Actively participate in training sessions or workshops as offered or available

E. SUPERINTENDENT

It is the job of the Superintendent to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
3. Inform the Board of Education about educational trends relating to student discipline;
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.;
5. Work with district administrators in enforcing the "code" and ensuring that all cases are resolved promptly and fairly.

F. BOARD OF EDUCATION

It is the job of the "Board" to:

1. Collaborate with student, teacher, administrator, parent organizations, school safety personnel and other school personnel to develop a "code" that clearly defines expectations for the conduct of students, district personnel and visitors on school property and school authorized functions;
2. Adopt and review the "code" at least once a year to evaluate its effectiveness and the fairness and consistency of its implementation;
3. Appoint a Dignity Actor Coordinator (DAC) in each school building. The DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The DAC will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

G. DIGNITY ACT COORDINATORS

The following staff members have been appointed as Dignity Act Coordinators for the 2017-18 school year:

- | | |
|-----------------------|-----------------------------------|
| a. Lori Natiella | Lockport High School |
| b. Melissa Hooch | Lockport High School |
| c. Michele Westgate | Lockport High School West |
| d. Jeanette Servey | Lockport High School West |
| e. Scott Trachte | North Park Junior High School |
| f. Ronald Cheatham | North Park Junior High School |
| g. Alexa Barrancotta | Emmet Belknap Intermediate School |
| h. Paul Kowalski | Emmet Belknap Intermediate School |
| i. Heather Walton | Roy B. Kelley Elementary School |
| j. Ashley Darrow | Roy B. Kelley Elementary School |
| k. Michael Sobieraski | Anna Merritt Elementary School |
| l. Adrienne Adams | Anna Merritt Elementary School |
| m. Gary Wilson | George Southard Elementary School |
| n. Lynn Witt | George Southard Elementary School |
| o. Jennifer Gilson | Charles Upson Elementary School |
| p. Miriam Carey | Charles Upson Elementary School |

V. STUDENT DRESS CODE

All students are expected to be well groomed and appropriately dressed based on the event or activity. We take pride in the appearance of our students. **Student dress shall in no way be so extreme as to be distracting or disruptive to the educational process of the school.** The following will be considered as examples of unacceptable dress for students and may not be all inclusive of unacceptable dress:

1. Messages and/or images on clothing, jewelry, and personal belongings that relate to drugs, alcohol, tobacco, sex, vulgarity, or gang related activity, or that reflects adversely upon persons because of their race or ethnic group are not permitted.
2. The wearing of low-riding pants will not be permitted. Students should wear belts if pants are baggy. Undergarments should not be exposed.
3. Shorts, skirts and dresses are considered too short if they do not adequately cover undergarments and/or personal body parts.
4. Mid-cut shirts/tops that reveal the midriff are not acceptable. Tank tops, strapless tops, or one-shoulder tops are not acceptable unless worn with another shirt that provides appropriate coverage. Sleeveless blouses that provide appropriate coverage are acceptable.
5. No hats, bandanas, hoodies or headgear of any kind may be worn in the building. If a letter from a student's cleric, medical provider or other appropriately deemed personnel is provided, an exception for headgear may be granted by the building principal.
6. Footwear is required at all times and must be safe as determined by building administration and/or the school nurse.
7. Wearing of a scent that has negative impact on others.
8. Loose hanging objects that pose a safety hazard or disruptive influence, (i.e.-chains, key holders, etc.
9. Pajamas and loungewear are not considered appropriate school attire.
10. Wearing backpacks or similar carry-all containers between classes for grades K-6 and Lockport High School West (LHSW). North Park Junior High School students may carry backpacks.
11. Wearing of outdoor coats, jackets, etc. during the school day.

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

VI. PROHIBITED STUDENT CONDUCT

District personnel, who interact with students, are expected to use disciplinary action when necessary and regularly reinforce the students' ability to grow in self-discipline. Students who will not accept responsibility for their own behavior and who violate these school rules, will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in any on campus or off campus conduct that is disruptive or constitutes, causes, or promotes distraction from or disruption of the learning environment or undermines health or safety.

Examples of this conduct include but are not limited to:

*Chronic acts of disruptive behavior by any student should result in the development of a Functional Behavioral Assessment and/or Behavioral Intervention Plan and may result in a superintendent's hearing.

1. Running in hallways;
2. Making unreasonable noise;
3. Obstructing vehicular or pedestrian traffic;
4. Engaging in any willful act which disrupts the normal operation of school;
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend without the permission from the administrator in charge of the building;
6. Failing to comply with the directions of teachers, administrator or other school employees in charge of students, or otherwise demonstrating disrespect;
7. Lateness for or leaving school without permission;
8. Skipping detention;
9. Cyberbullying
10. Violating the Acceptable Use Policy for Technology. (**Director of Technology must be contacted**)
11. Proper etiquette is expected when using electronic devices. Unauthorized or secretive use of personal electronic devices is prohibited. The use of electronic devices during instruction and the administration of assessments is prohibited except when authorized. The use of personal electronic devices is prohibited in areas where personal privacy is expected (areas such as restrooms and locker rooms). Personal electronic devices includes, but is not limited to, cell phones, picture phones, headphones, cameras, camcorders, pagers, iPods, iPads, etc. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass, discriminate against or threaten others.
12. The use of technology to record, document, and/or disseminate information about an individual without their consent is prohibited. The Lockport City School District will, however, continue to use technology to investigate inappropriate use of technology and shall report cyber-crime and cooperate with authorities to support investigations related to improper use of personal and/or District technology.
13. Any act that attempts to bypass District security, firewalls, or access protected information through the use of technology or otherwise, or any attempt to introduce any unauthorized computer program to the network such as a computer virus.

B. Engage in conduct that is violent, as defined in the NYS VADIR system (See Appendix A). Examples of violent conduct include but are not limited to:

*(Repeated acts of physical or verbal aggression by any students should result in the development of a Functional Behavioral Assessment and/or Behavioral Intervention Plan and may lead to a superintendent's hearing.)

1. Committing an act such as hitting, kicking, punching, spitting, biting, stabbing, and scratching upon any school employee, student or upon other persons lawfully on school property.
2. Possessing a weapon as defined by the "code", on page 3, and pages 29 and 30.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.

5. Intentionally damaging or destroying the personal property of any district employee or any person on school property.
6. Intentionally damaging or destroying school district property.
7. Engaging in harassing 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 well-being.

C. Engage in conduct that discriminates/harasses or bullies as defined in the Dignity for All Students Act. Such examples include but are NOT limited to:

1. Name calling on the school bus.
2. Telling an inappropriate joke in class.
3. Making ethnic slurs at an afterschool event.

D. Engage in any conduct that endangers the safety, morals, health or welfare of any others. Examples of such misconduct include but are not limited to:

1. Harassment/Bullying.
2. The inappropriate use of district and personal technology (including, but not limited to cellphones, smart phones, Ipod, digital cameras and/or social media accounts) which are disruptive to the learning environment or violates the Acceptable Use Policy, or applies to any of the following misconducts.
3. Lying to school personnel.
4. Stealing the property of other students, school personnel or other persons lawfully on school property.
5. Selling, using or possessing obscene material.
6. Possessing or smoking a cigarette, e-cigarette, cigar, pipe or using/possessing chewing or smokeless tobacco, liquid nicotine, electronic nicotine, lookalike cigarette, vaporizer, a vaping delivery system, inhalator device or any other device that enables usage of an electronic cigarette.
7. Possessing, consuming, selling, transferring, distributing or exchanging alcohol in any form or illegal substances, or being under the influence of either. Illegal or unauthorized drugs include, but are not limited to, inhalants; marijuana, cocaine, LSD, PCP, amphetamines, opioids, steroids, look-alike drugs, and any substances commonly referred to as designer or synthetic drugs. Also, drug paraphernalia materials (Ex. pipes, bowls, scales, rolling papers, containers, storage devices or any other items, tools, equipment, or instruments intended to use in connection with any drugs).
8. Unauthorized possession, use, sale, dissemination, exchange, or sharing prescription and/or over-the-counter drugs without expressed permission from a school authority. All orders for prescription and/or over-the-counter medication must be administered through the health office by a school official.
9. Defamation, which includes making false statements that, harms the reputation of that person/group.
10. Discrimination, which includes the use of race, color, age, creed, national origin, ethnic group, religious practices, sex, gender identity, religion, gender, sexual orientation, disability, and any other classification protected by law as a basis for treating another in a negative manner.
11. Acts of sexual harassment as defined in the district's sexual harassment policy.
12. In accordance with school district policies, individual and/or gang related bullying, harassment, intimidation, or cyber bullying, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at a person or group that are intended to be ridiculing or demeaning and/or which includes engaging in actions or statements that put an individual in fear of bodily harm.
13. "Hazing" referring to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. Examples of hazing are, but not limited to: 1) Subtle Hazing (deception, silence periods, deprivation of privileges, socially isolating, name calling), 2) Harassment Hazing (verbal abuse, threats or implied threats, wearing embarrassing or humiliating attire, performing personal services, to be expected to

harass others), or 3) Violent Hazing (forced or coerced alcohol or other drug consumption; beating, paddling, or other forms of assault; branding; forced or coerced ingestion of vile substances or concoctions; burning; water intoxication; expecting abuse or mistreatment of animals; public nudity; illegal activity; bondage; exposure to cold weather or extreme heat without appropriate protection). Definition taken from StopHazing.org.

14. Using vulgar or abusive language or gestures, cursing or swearing, or displaying gang related insignia.
15. Indecent exposure of private parts.
16. Initiating a report of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Gambling and gaming (including, but not limited to, gambling or gaming via the Internet).
18. Signs of physical affection that is inappropriate for school; kissing, handholding.
19. Subjecting any other student(s), school personnel, or any other person to danger by engaging in conduct that creates risk of injury or harm.

E. Engage in misconduct while on a school bus.

It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting, harassment, cyberbullying and discrimination will not be tolerated, nor will any items 1-18 in section D. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the district's "code". The District will comply with all reporting requirements outlined in the DASA regulations.

F. Engage in any form of academic misconduct.

Plagiarism (as defined in Section II, "Definitions," herein), cheating and dishonesty violate academic integrity and defeat the purpose for learning. There is no distinction between parties either offering or accepting improper assistance. This includes homework, in-class assignments, testing, and research papers. This may include, but is **NOT** limited to:

1. Use of cell phones
2. Text messaging
3. Electronic cut and paste
4. Crib notes
5. Sharing answers
6. Use of iPods, MP3 players, and/or other electronic devices
7. Talking during testing
8. Use of stray or smudge marks on tests
9. Nonverbal signals
10. Misuse of calculators and/or other technology
11. Obtaining answers from instructors

Any students who plagiarize, cheat, and are dishonest will be subject to the following consequences at the discretion of the teacher and/or administrator.

1. 0% on the assignment and notification to parent
2. Verbal notification to parent
3. Written notification to parent
4. Making up the assignment/test at a later date
5. Other disciplinary action may occur based on the teacher's classroom policy and discretion. These actions could include detention, in-school suspension, out of school suspension or a Superintendent's Hearing.

Any student found cheating risks losing their National Honor Society membership, honor pass, parking permit, early release and late arrival.

VII. REPORTING VIOLATIONS

Any person aware of a violation of the Code of Conduct, Acceptable Use Policy, and any underlying Lockport City School District policies and procedures should notify the appropriate internal personnel immediately as an expectation of this Code of Conduct. Notification of local law enforcement will be determined based on the violations that constitute a crime and substantially affect the order or security of a school.

The District will not tolerate any retaliation against an individual, who, in good faith, reports or assists in the investigation of harassment, bullying, or discrimination.

VIII. DISCIPLINARY PROCEDURES, INTERVENTIONS, AND CONSEQUENCES

Action, when necessary, will be fair and consistent in order to be the most effective in changing student behavior. In determining the appropriate action, authorized school personnel will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record or other pertinent school records.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers, and others as appropriate.
6. Other extenuating circumstances.

Interventions: Actions will be progressive. A first violation will usually merit a lighter consequence than subsequent violations. There may be however, extreme circumstances where a first violation may receive a more serious action.

Remediation Ideas:

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the amended Dignity Act requires the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should be included in the Code of Conduct and place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- peer support groups

- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed
- supportive intervention and/or mediation where constructive conflict resolution is modeled
- behavioral assessment or evaluation
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues

A. LOGICAL CONSEQUENCES

Students, who have engaged in misconduct shall be subject to the following actions either alone or in combination with one another. The school personnel identified after each action are authorized to impose that action, consistent with the student's right to due process. In the case of a student volunteering to participate in a district approved counseling or intervention program, actions may be modified.

1. Referral to an in school or outside of school support—any staff member of the district staff
2. Verbal warning-Any member of the district staff
3. Written warning-Bus driver, hall, lunch, studyhall monitors, teachers, and administration
4. Written notification to parent-Bus driver, studyhall and lunch monitors, teachers and administration
5. Detention-Teachers, Administration
6. Suspension from transportation-Administration
7. Suspension from athletic participation-Administration
8. Suspension from social or extracurricular activities-Administration
9. Suspension of other privileges-Administration
10. In-school suspension-Administration
11. Removal from classroom-Teachers, Administration
12. Short-term suspension (five days or less)-Administration, Board of Education.
13. Long term suspension (more than five days)-Superintendent, Superintendent's designee, Board of Education
14. Permanent suspension from school-Superintendent, Board of Education

Following the model used by the district to address academic intervention Appendix B outlines potential action to be undertaken in a tiered and progressive manner.

B. PROCEDURES

All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence. These procedures are explained as follows:

1. Detention

Teachers and administration may use before/after and lunch school detention as a consequence for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. Teacher Disciplinary Removal of Disruptive Student

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 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. Such practices may include, but are not limited to: a short-term "time out" in an elementary classroom or in an administrator's office;

- a. sending a student to another room per arrangement with another staff member;
 - b. sending a student to the principal's office for the remainder of the class time only; or
 - c. sending a student to a guidance counselor or other district staff member for counseling.
- Time-honored classroom management techniques such as these do not constitute disciplinary removal for the 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 to 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 non-willingness to comply with the teacher's instructions** or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two days, the first day being any part of the period that a student is removed from. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. The teacher must contact the student's parent/guardian to discuss the concern or suggested remedial action.

If a student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student 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. The teacher must complete a district-established disciplinary removal form and meet with the principal/designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal forms.

Within 24 hours after the student's removal, the principal/designee will notify the student's parent, in writing, that the student has been removed from class and why. The notice will inform the parent that they have the right, upon request, to meet informally with the principal/designee and the teacher to discuss the reasons for the removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting a

parent. Previous to the principal's parent contact, the removing teacher shall make contact with the student's parent to explain the circumstances of the student's removal.

The principal/designee may require the teacher, who ordered the removal, to attend the informal conference. If at the informal meeting the student denies the charges, the principal/designee will explain why the student was removed and give the student and parent a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the meeting may be extended by mutual agreement of the parent and principal.

The principal/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.

The principal/designee may overturn a removal at any point between receiving the referral form issued by the teacher and the end of the school day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the teacher shall be offered continued educational programming until they are permitted to return to the classroom.

Each teacher must complete a Disciplinary Referral Form for all cases of removal of students from their class. The principal must also keep a log of all removals of students from class.

Note: 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 their class until they have verified with the principal, psychologist, or chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation".

3. Suspension from transportation

If a student does not conduct himself or herself properly on a bus, the bus driver is expected to bring such misconduct to the building administrator's attention. Students, who become serious disciplinary problems, may have their privileges suspended by the building principal. In such cases, the student's parent will become responsible for seeing that their child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

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

A student assigned a suspension from athletic participation, extra curricular activities or other privileges (including, but not limited to: field trip participation, National Honor Society induction) 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 administrator imposing the suspension to discuss the conduct and the consequence involved.

5. In-school Suspension

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals to assign in-school suspension for students who would otherwise be suspended from school as the result of a "code" violation ". In-school suspension is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive a substantially equivalent education.

A student assigned 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 administrator imposing the sanction to discuss the conduct and the consequence involved.

6. Suspension from School

Suspension from school is a severe consequence, 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.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a. Short Term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education

Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parent in writing that the student will be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension to the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent. 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 or disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the Principal shall promptly advise the parents in writing of his or her decision. The Principal shall advise the parent that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the 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 five 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 parent 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.

To the maximum extent allowable by law, a parent or student may voluntarily, knowingly, and intelligently waive the right to a Superintendent's hearing and/or other due process requirements.

The Superintendent shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate

measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept 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 30 calendar 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 of Education within 30 days of the decision.

c. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses an extremely serious 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.

- d. The Board of Education delegates to the Superintendent of Schools the authority to condition a student's early return from suspension (or other discipline) on the pupil's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

C. Minimum Periods of Suspension

1. Students who bring a weapon (see page 31, Appendix "A" #17) to school

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

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

2. The Superintendent is required to refer the following students to the County Attorney (or the appropriate law enforcement authorities) for a juvenile delinquency proceeding before the Family Court.

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

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

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

3. 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 consequence is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

4. Students who repeatedly and substantially disrupt the educational process or repeatedly and substantially interfere with the teacher's authority over the classroom

Any student, other than a student with a disability, who engages in conduct, which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, could be suspended from school for up to five days. If the proposed consequence is up to 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 short-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 consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

IX. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory 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.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply:
A "suspension" means a suspension pursuant to Education Law 3214.
A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" (Interim Alternative Educational Setting) means a temporary educational placement for a period of up to 45 school 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 plan (IEP), that will include services and modifications (Functional Behavioral Assessment and/or Behavioral Intervention Plan) to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determined that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. 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.
 - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or for behavior involving serious bodily injury.
3. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability in the IAES setting for up to 45 days at a time, if maintaining the student in her or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for 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 and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
 - Conduct functional behavioral assessments (provided that the school district had not conducted such assessment prior) to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.
 - If a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subsequently subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
 - If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
2. The school building the child attends will conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, serious bodily injury, or illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
3. The parent of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have the disability for discipline purposes.
 - a. The superintendent and building principal imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or

- 2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations; or
- 3) the parent of the student has not allowed an evaluation of the student; or
- 4) the parent of the student has refused services

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

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

4. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.
The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
5. The parent of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be divided into a guilt phase and consequence phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
7. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
8. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the

student to be in his or her current educational placement, or during the due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel proposed to change the student's placement after expiration of an IAES placement, during any proceeding to challenge the proposed change in placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA (Individual Disabilities Education Act) and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

XI. CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS

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.

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.

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

In situations when a school employee uses physical force against a student, the school employee shall, make an immediate verbal report of the situation to the Building Principal or Supervisor/designee with the written report to follow within 48-hours. The Building Principal or Supervisor/designee shall, within the same school day, make an immediate verbal report to the Superintendent/designee describing in detail the circumstances and the nature of the action taken with the written report to follow within 48-hours.

The School District will maintain documentation on the use of emergency interventions for each student including:

- a) Name and date of birth of student;
- b) Setting, location, date and time of the incident;
- c) Name of staff or other persons involved;
- d) Description of the incident and emergency intervention used, including duration;
- e) A statement as to whether the student has a current behavioral intervention plan; and
- f) Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by School District supervisory personnel and, if necessary, by the school nurse or other medical personnel.

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

XII. STUDENT SEARCHES AND INTERROGATION

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary consequence on a student may question a student about an alleged violation of law or the district "code". 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.

In addition, the board authorizes the superintendent, and principals 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".

An authorized school official may conduct a search of a student's belongings when it is minimally intrusive, such as touching the outside of a book bag, so long as the school official has a legitimate reason for the very limited search.

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district "code", or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practical, searches will be conducted in the privacy of administrative offices and the student will be present when their possessions are being searched.

Additionally, building-wide searches may be conducted periodically. These searches may be unannounced and may involve the entire student body. The purpose of this type of search is preventative in nature.

A. Student Lockers, Desks and other School Storage Places

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

B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording all appropriate information about each search.

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

C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with 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. 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 warrant, arrest warrant, or any other authorizing court order; or
2. Probable cause to believe a crime has been committed on school property or function; or
3. A request from school officials as it relates to a school incident

The building principal/designee shall try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The principal/designee will also be present during any police questioning or search of a student on school property or function.

D. Child Protective Services Investigation

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services (CPS) when they have reasonable cause to suspect that a

student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the building principal/designee. The principal/designee shall set the time and place of the interview. CPS will decide if it is necessary and appropriate for a school official to be present during the interview.

XIII. VISITORS TO THE SCHOOLS

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal/designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival. There they will be issued a visitor's identification badge following review of picture identification, which must be worn at all times while in the school or on school grounds. The visitor must return the ID badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in the "code".

XIV. 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 the purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function, including students, teachers, district personnel, and visitors. 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 are expected to be properly attired for the purpose that they are on school property.

A. Prohibited Conduct

No person shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy district property or the personal property of a district employee or any person lawfully on school property, including graffiti or arson.

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, creed, national origin, religion, age, gender, sexual orientation, political affiliation, use of a recognized guide dog, hearing dog or service dog, disability, or any other classification covered by law.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. 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.
10. 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.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Use aggressive, profane, or obscene language.
15. Willfully incite others to commit any of the acts prohibited by the code.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. No person shall smoke, use tobacco or e-cigs on school property.
18. Possess, share, show, or distribute inappropriate electronic images.

B. Consequences

Persons who violate this code shall be subject to the following consequences:

1. Visitors. Their authorization, if any, to remain on school grounds or at the function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. 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.
4. Staff members in the classified civil service are entitled to the protection of applicable provisions of the Civil Service Law. They shall be subject to immediate ejection and to disciplinary actions as the facts may warrant in accordance with Civil Service Law or any other legal and/or contractual rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to a warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal and/or contractual rights they may have.

C. Enforcement

The building principal/designee shall be responsible for enforcing the conduct by this code.

When the building principal/designee sees 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 principal shall

tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal 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 principal shall have the individual removed immediately from school property or the school function and a cease and desist letter may be issued. 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 "consequences" section above. In addition, the district reserves the right to pursue a civil or criminal legal action against any person violating the code.

XV. DISSEMINATION AND REVIEW

The Superintendent of Schools shall be responsible for enforcement, publication, and/or dissemination of this code of conduct, and shall be authorized to promulgate any regulations, rules, guidelines, or forms that are consistent with the terms and provisions of this code and/or the provisions of law pursuant to which this code is adopted.

A. Dissemination of the Code of Conduct

The board will work to ensure that the community is aware of this "code", by:

1. Providing copies of a summary of the code to all students in age appropriate plain language at a general assembly held at the beginning of each school year;
2. Making copies of the code available to all parents at the beginning of the school year;
3. Mailing a summary of the code written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request;
4. Providing all current teachers and other staff members with access to a copy of the code and access to a copy of any amendments to the code as soon as practicable after adoption;
5. Providing all new employees with access to the current code when they are first hired;
6. Making copies of the code available for review by students, parents, and other community members.
7. Acknowledge receipt and review of the Code of Conduct by parent and student. (Appendix C)

Note: The Code of Conduct will be reviewed annually and updated as necessary.

Appendix "A"

GLOSSARY OF TERMS USED IN REPORTING VIOLENT AND DISRUPTIVE INCIDENTS REVISED AUGUST 1, 2006

For additional information refer to the "Questions and Answers" document available at: <http://www.emsc.nysed.gov/sss/SDFSCA/uvirpage.htm> (Scroll down to the "Questions and Answers" item and click on one of the links on the right side of the screen.)

Incident Categories

- 1) **Homicide:** Any conduct that results in the death of another person.
- 2) **Sexual Offenses:**

Forcible Sex Offenses: Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon including but not limited to, rape and sodomy. Pursuant to Penal Law §130.00(8), "**forcible compulsion**" means "to compel by either: (a) use of force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "**aggravated sexual contact**" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "**Oral sexual conduct**" and "**anal sexual conduct**" mean oral or anal sex.

Other Sex Offenses: Involving inappropriate sexual contact but no forcible compulsion, including, but not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least 4 years older than the youngest individual participating in the conduct.

Inappropriate **sexual contact** but no forcible compulsion includes, but is not limited to, the following:

- a) touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc,
- b) removing a student's clothing to reveal underwear or private body parts
- c) brushing or rubbing against another person in a sexual or provocative manner
- d) a student first rubbing their own genitalia and then touching another person's body

Note: Verbal sexual harassment should be reported in category 10 (Intimidation, Harassment, Menacing or Bullying.)

- 3) **Robbery:** *Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.*
- 4) **Assault with Serious Physical Injury:** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district code of conduct. Pursuant to Penal Law §10.00(10), “**serious physical injury**” means physical injury, which creates a substantial risk of death, or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
- 5) **Arson:** Deliberately starting a fire by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including but are not limited to, paper, linens, clothing and aerosol cans, with the intent to damage or destroy property. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.
- 6) **Kidnapping:** To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with or without a weapon.
- 7) **Assault with Physical Injury:** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district code of conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain includes, but is not limited to, severe headaches, joint, or muscle pain.
- 8) **Reckless Endangerment:** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:
 - a) Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
 - b) Incidents involving a person choking another individual, including, but not limited to incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.

- c) Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.
 - d) Driving a car erratically and recklessly in a school parking lot while other student(s), staff, or individuals are present.
- 9) **Minor Altercations:** Involving physical contact and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.
- 10) **Intimidation, Harassment, Menacing, or Bullying Behavior and not Physical Contact:** Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process. Incidents **not** resulting in a disciplinary or referral action are reported in Item 2 of the *Summary Form*. Incidents of harassment involving physical contact are reported in the Category 9 (Minor Assaults).
- 11) **Burglary:** Entering or remaining unlawfully on school property with intent to commit a crime.
- 12) **Criminal Mischief:** Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.
- 13) **Larceny or Other Theft Offenses:** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.
- 14) **Bomb Threat:** A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property.
- 15) **False Alarm:** Falsely activating a fire alarm or other disaster alarm.
- 16) **Riot:** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
- 17) **Weapons Possession Only:** Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

Weapons:

- a) a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;

- b) a switchblade knife, gravity knife, pilum ballistic knife, can sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- c) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- d) a sandbag or sandclub;
- e) a sling shot or slungshot;
- f) a martial arts instrument, including, but limited to, a kung fu star, ninja star, ninchuck, or shirken;
- g) an explosive, including, but limited to, a firecracker or other fireworks;
- h) a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- i) an imitation gun;
- j) loaded or blank cartridges or other ammunition; or
- k) any other deadly or dangerous instrument. (i.e. rat tail combs)

Weapons Confiscated (Security Screening) Effective for the 2006-07 data collection period. As of July 1, 2006, weapons that are detected and confiscated as a result of a security screening process (scanners, metal detectors, and other devices) upon entry into the school building should be recorded in this category. The phrase "upon entry" into the school building means that the weapon(s) is detected as a result of students, staff or visitors passing through these devices in order to get into the school building proper. This category is to be used only for weapons possession incidents that are discovered as a result of scanning devices at entrances, not within the school building or as a result of random searches in lockers, etc.

- 18) ***Use, Possession, or Sale of Drugs Only:*** Illegally using or possessing a controlled substance, such as marijuana, on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance such as marijuana on school property; finding a controlled substance, such as marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting. **Incidents should only be reported in this category if they were not associated with an offense reportable in Categories 1-16.**
- 19) ***Use, Possession, or Sale of Alcohol Only.*** Using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. **Incidents should only be reported in this category if they were not associated with an offense reportable in Categories 1-16.**

- 20) **Other Disruptive Incidents:** Other incidents involving disruption of the educational process and rise to the level of a consequence listed in the *Summary Report* (columns j-o). Reportable incidents are limited to those resulting in disciplinary action or referral.

Other Definitions

Disciplinary or Referral Action: For purposes of reporting, a disciplinary or referral action includes a referral to: Counseling or Treatment Programs, Teacher Removal, Suspension from Class or Activities, Out-of-School Suspensions, Involuntary Transfer to Alternative Education Program or Law Enforcement/Juvenile Justice. (Refer to definitions below.)

Counseling or Treatment Programs: For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc.). Note: Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to counseling or treatment program.

Teacher Removal: For purposes of reporting, a "teacher removal" means the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of subdivision 3-a of section 3214 of the Education Law. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal.

Suspension from Class or Activities: For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/extracurricular activities, such as band, choir, or athletics. Report incidents that result in an in-school suspension that lasts for at least the equivalent of one school day. Report suspensions from activities or transportation that excludes the student from the activity for at least five consecutive school days.

Out-of School Suspension: The student is suspended from attending school for at least one day.

Transfer to Alternative Education Program: For purposes of reporting, a "transfer to an alternative education program" means any transfer to an educational program in a setting outside of the student's home school to which the student is referred as part of or in lieu of disciplinary action, i.e., as a consequence of the child's misconduct. This includes, but is not limited to, involuntary transfers pursuant to Education Law § 3214(5) and placement of students with disabilities in interim alternative educational settings as a result of violations of the school district code of conduct.

Transfer to Law Enforcement/Juvenile Justice: For purposes of reporting, referrals to law enforcement or juvenile justice include each incident whereby the perpetrator is referred to the police, law enforcement officers, or criminal justice.

Gang Related: An incident is gang related if it is gang motivated or if gang membership caused the incident or contributed to actions that occurred during the incident. For example, an incident of vandalism or robbery might be part of an initiation into a gang, or a fight might be caused by gang rivalry. Report an incident as gang-related only if certain that gang membership contributed to the incident. A gang is an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity. This definition is from the National Center for Education Statistics.

Bias Related: An incident is bias related if it is motivated by hate due to some characteristics or perceived characteristics of the victim, including race, gender, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Any act, or attempted act, is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets, vandalism, force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim. This definition is from the National Center for Education Statistics.

Appendix "B"

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Description of Behavior	<ul style="list-style-type: none"> • Passive noncompliance • Unwilling to communicate • Calling out • Disrespectful • Dress code violation • Inappropriate attitude/tone • Insubordination • Refusing to complete work/inattentive • Tardy to class • Unprepared for class • Inappropriate use of electronic devices • Stealing • Lying • Bullying • Hall misconduct • Lunch/recess misconduct 	<ul style="list-style-type: none"> • Repeated behavior disrupting the learning of self or others • Repeated use of inappropriate language • Repeated bullying of the same students • Repeated stealing of multiple items from multiple people • Purposeful insubordination • Deliberate destruction of property • Verbal or physical aggression 	<ul style="list-style-type: none"> • Severely physically aggressive • Severely verbally aggressive • Self-injurious
Manager of Intervention	Classroom Teacher	Lion's Den Coach School Counselor School Psychologist Crisis Team Member Social Worker Assistant Principals	Principal School Counselor School Psychologist assistant principal
Who Can Recommend Intervention	Classroom Teacher	Any Staff Member	Principal ONLY
Interventions	<ul style="list-style-type: none"> • Consultation with other building staff • Break from classroom work/routine • Verbal warning • Classroom modifications • Discussion with student • Parent contact/home-school communication • Letter of apology • Incentive system for positive behavior • Loss of privilege/activity 	<ul style="list-style-type: none"> • Modification of BIP • FBA • Lunch bunch counseling • Individual/group counseling • Second Step classroom program • Referral to principal • Referral to Social Worker/outside resources 	<ul style="list-style-type: none"> • De-escalation • Strategically taught social skills • Strategically taught classroom behaviors

	<ul style="list-style-type: none">• BIP	<ul style="list-style-type: none">• Referral to SBST/RTI Team	
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APPENDIX "C"

2018-2019 School Year

Lockport City School District
Code of Conduct

June 2018 Revision
Acknowledgement of Receipt

I have received the Code of Conduct and understand that it is my responsibility to maintain, read, and follow all provisions of the Code of Conduct.

Student Signature

Date

Student Printed Name

Parent/Guardian Signature

Date

Parent/Guardian Printed Name

Please complete this form and return it to the main office of your child's school.