

# LOCKPORT CITY SCHOOL DISTRICT CODE OF CONDUCT



June 2021

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**Approved: June 2021**

We believe: All people can learn. Schools create conditions for success academically, socially, emotionally, physically, and aesthetically. Teaching and learning are the shared responsibilities of home, school, and the community. 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 (“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. Unacceptable behavior will be reviewed on a case-by-case basis, using strategies rooted in restorative practices, and disciplinary action will be taken when necessary for unacceptable behavior. To this end, the Board adopts this Lockport Code of Conduct (“code”). (See district policies 3410, 5680)

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, familial status, genetic information, prior arrests or convictions, 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. SCHOOL CULTURE AND CLIMATE

School culture and climate affect everyone in a school community. By creating supportive and welcoming school communities, we ground the lives of school community members in the values we all care about, a quality education for all students and a supportive, safe, and positive school environment for students, parents, teachers, support staff and administrators. Such grounding for all creates a profound impact on students, both in their academic progress and their relationships with peers and adults. It deeply enhances the quality of life and the work environment for all staff in the school district. While school safety and security is of the highest priority, it also makes a school welcoming to families and the wider community. For schooling to be successful, each school must establish and maintain a positive and safe school culture that supports all of its members – students, families, and staff – as they work together to grow, both socially and academically.

Our mission statement – “We believe: All people can learn. Schools create conditions for success academically, socially, emotionally, physically, and aesthetically. Teaching and learning are the shared responsibility of home, school, and the community. Our mission is to assure comprehensive learning for all so that each person will be a lifelong learner.”

## III. 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 their 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 emails 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](http://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 the unjust or prejudicial treatment of people or things 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 interferes 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 range of socially constructed roles, behaviors, activities, and attributes that a person chooses to identify with (male, female, nonbinary).

**"Gender Identity"** means an individuals' sense of their self as a man, woman, boy, girl, transgender, or something else.

**"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", "Hispanic/Latinx", 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.

**"Restorative Practice"** means the process of restoring and developing social capital, social discipline, emotional well-being and civic participation through participatory learning and decision-making.

**"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 extracurricular 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 with a sexual orientation or choose not to identify with a sexual orientation.

**"Sexual Orientation"** means a person's identity in relation to the gender or genders to which they are sexually attracted (heterosexual, homosexual, bisexual, etc.).

**"Violent student"** means a student under the age of 21 whom:

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 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".

## **IV. STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. STUDENT RIGHTS (see district policy 3410)**

**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, disability, use of a recognized guide dog, hearing dog or service dog, 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; (See district policy 7110)
3. Working to the best of their ability in all academic and extracurricular pursuits;
4. Working to develop self awareness as well as positive coping and emotional regulation skills
5. Seeking help in solving problems
6. Asking questions to gather information and understanding when they do not understand;
7. Dressing appropriately, in accordance with Lockport City School District Code of Conduct, for school and school authorized functions;
8. Accepting responsibility for their actions;
9. Conducting themselves as representatives of the district when participating in, or attending school-sponsored extracurricular events.
10. Securing their personal belongings (money, jewelry, technology, etc.)
11. Using District technology and other resources for academic and school related activities, respecting and not destroying or altering technology hardware and software to remain in compliance with District policy 7315 (Student Use of Computerized Information Resources – Acceptable Use Policy).

## **V. ESSENTIAL PARTNERS**

### **A. PARENTS/GUARDIANS**

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

1. Recognize that the education of their child (ren) is a collaborative effort shared by the child, the parents/guardians and the school community;
2. Ensure that their children attend school as scheduled, ready mentally, physically, and emotionally 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, familial status, genetic information, prior arrests or

convictions, sexual orientation, gender, or 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. Follow the appropriate chain of command – (Ex: teacher to assistant principal to principal to Executive Director of Educational Services to Superintendent) to resolve any issues or concerns.
13. Follow the chaperone guidelines for field trips as outlined in Policy Regulation 8460R ([www.lockportschools.org/Domain/1300](http://www.lockportschools.org/Domain/1300)).
14. Use social media appropriately and refrain from posting or forwarding any information in regards to students and/or school situations that is unsubstantiated.
15. Comply with the Remote Learning policy parent responsibilities (See district policy 7150). This includes maintaining and respecting the privacy and confidentiality of the students and staff during professional instruction that is occurring remotely. Interactions with students and staff during remote learning should be no different than interactions expected between parents and students or staff during instruction occurring in the school building setting.

**B. DISTRICT STAFF (See district policy 6110)**

**Teachers, Teaching Assistants, Speech Therapists, Certified Occupational Therapy Assistants, School Nurses, Teacher Aides, Custodial Staff, Maintenance Staff, Clerical Staff**

**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 (See district policies 6410, 6411);
2. 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 management plan
  - f. Routines and procedures (these shall be taught and practiced regularly)
3. Communicate regularly with students, parents and other school staff concerning growth and achievement;
4. 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;
5. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
6. 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.
7. 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. (See district policy 6180)
8. Actively participate in training sessions or workshops as offered or available. (See district policy 6213)

**C. DISTRICT STAFF (See district policy 6110)**

**School Counselors, School Psychologists, School Social Workers**

**All district counselors are expected to:**

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems. If needed, will collaborate with community partners in regard to mutual student goals and treatment;
2. Know school policies and rules, and enforce them in a fair and consistent manner;
3. Initiate teacher/student/ mental health provider conferences and parent/teacher/student/mental health provider conferences, as necessary, as a way to resolve problems; Provide information to assist students with career planning (as applicable)
4. Encourage students to benefit from the curriculum and extracurricular programs.
5. 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, familial status, genetic information, prior arrests or convictions, sexual orientation, gender, or 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;
6. Monitor and identify students with potential attendance concerns and create a proactive plan for student success.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the mental health provider's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
8. Make themselves available to all students presenting with a crisis.
9. Serve as a member of the School Based Support Team to assist with creating Response to Intervention plans;
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. (See district policy 6180)
11. Actively participate in training sessions or workshops as offered or available or required by administration. (See district policy 6213)

**D. ADMINISTRATION** (See district policy 6110)

**All administrators are expected to:**

1. Know school policies and rules, and enforce them in a fair and consistent manner (including policy 6410 – Staff Use of Computerized Information Resources Acceptable Use Policy);
2. Ensure their accessibility to students, staff, and parents;
3. Evaluate on a regular basis all instructional programs; (See district policy 7210)
4. Support the development of student participation in appropriate extracurricular activities; (See district policy 7410)
5. Be responsible for enforcing the "code" and ensuring that all cases are resolved promptly and fairly; (See district policy 3410)
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, familial status, genetic information, prior arrests or convictions, sexual orientation, gender, or 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. 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).
8. Comply with all reporting requirements as directed by the State Education Department.
9. 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. (See district policy 6180)

10. Actively participate in training sessions or workshops as offered or available or required by administration. (See district policy 6213)

**In addition, all district principals and the Director of Alternative Education are expected to:**

11. Inform all students and their parents of the Code of Conduct at the beginning of the school year.

12. Promote a safe, orderly school environment, supporting active teaching and learning;

**E. DISTRICT STAFF** (See district policy 6110)

**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; (See district policy 1110)

3. Inform the Board of Education about educational trends relating to student discipline; (See district policy 3410)

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** (See district policy 7550)

The following staff members have been appointed as Dignity Act Coordinators for the 2021/2022 school year:

a.	Jason Madden	Lockport High School
b.	Heather McClain	Lockport High School
c.	Anthony Molinaro	Lockport High School
d.	Jeanette Servey	Lockport High School West at Charlotte Cross
e.	William Morello	Lockport High School West at Charlotte Cross
f.	Michael Pickreign	North Park Junior High School
g.	Andrea Joyner	North Park Junior High School
h.	Alexa Barrancotta	Emmet Belknap Intermediate School
i.	Paul Kowalski	Emmet Belknap Intermediate School
j.	Heather Walton	Roy B. Kelley Elementary School
k.	Mark Millace	Roy B. Kelley Elementary School
l.	Patricia McMahan	Anna Merritt Elementary School
m.	Tyler Sieczkarek	Anna Merritt Elementary School
n.	Deanna Schmitt	George Southard Elementary School
o.	Lynn Witt	George Southard Elementary School

p.	Adrienne Adams	Charles Upson Elementary School
q.	Andrew Murphy	Charles Upson Elementary School

Students, staff and community members are still welcome to report any incidents to any member of the staff. If this occurs, that staff member would be responsible for sharing the information with one of the building Dignity Act Coordinators.

## VI. 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, face coverings, 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. Students should wear belts if pants are baggy.
3. Shorts, skirts and dresses are considered too short if they do not adequately cover undergarments and/or personal body parts.
4. 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 with the exception of cultural or religious garments. If a letter from a student's cleric, medical provider or other appropriately deemed personnel are provided, an exception for headgear may be granted by the building principal.
6. Unsafe footwear as determined by building administration and/or the school nurse. Slippers for all students in the district and shoes without straps on the back of the shoe for all grade K-4 students are prohibited.
7. Wearing of a scent that has an adverse 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 carryall containers between classes for grades **K-6** and Lockport High School West at Charlotte Cross.

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. Refusal to comply with a request to cover up or remove the offensive item shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

## VII. PROMOTING POSITIVE BEHAVIORS AND RELATIONSHIPS

Each school is expected to promote a positive and safe school climate and culture that provides students with a supportive and safe environment in which to grow both academically and socially. Schools are expected to take a proactive role in nurturing students' positive social behavior by providing them with a range of positive behavioral supports as well as meaningful opportunities for social emotional learning. Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to the behavioral expectations. The Lockport City School District is committed to a hybrid approach to meeting student needs with a combination of restorative practices (typically for more subjective offenses) and suspension (reserved for illegal and violent behavior and/or held in abeyance pending the implementation of restorative practices).

### A. Restorative Approaches

Restorative approaches are an integral component of progressive discipline and the direction in which the Lockport City School District is committed to continue. Restorative approaches originate from common practices that reflect our shared beliefs. Used

proactively, restorative practices build a safe, positive school culture. In the context of justice, restorative approaches use the foundations of relationships and interconnectedness to repair harm and establish harmony.

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower school community members to take responsibility for the well-being of others, prevent or deal with conflict before it escalates; build resiliency; address underlying factors that lead youth to engage in inappropriate behavior; increase the skills of those who have harmed others so that the conduct does not recur; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

The Lockport City School District believes in a hybrid model where both traditional interventions and consequences and restorative practices are employed. Traditional consequences may be held in abeyance while restorative practices are being implemented. In addition, traditional consequences will likely be considered and utilized for individuals you engage in behavior that is considered violent or illegal.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How should people behave differently in the future?

All parties are encouraged to take responsibility for their part in the occurrence that led to the intervention.

## B. Positive Relationships

Research shows that positive relationships help children learn. We know that children are more likely to succeed when they feel connected in meaningful relationships to others in their community, and are less likely to act out in ways that cause disruption to the school environment.

Tips for Calming Conflict:

- Show students you understand. Listen well, with sincere concern, to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.
- Ask open-ended questions. Say, for example, “What was that like for you?” or “Tell me more about that.” This gets more than a “yes” or a “no” response, and helps students tell their story.
- Use reflective listening when intervening in a conflict. Get the attention of the angry person by reflecting back the feelings you hear in a nonjudgmental way. Let students tell their story – say just enough to help them do it.
- Help students problem-solve disputes. Use open-ended questions and reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.

Skills and Strategies for Building Positive Relationships

- Communicating understanding
- Structuring tasks for student success
- Reinforcing student behavior in a positive manner
- Setting rules, limits, and consequences
- Creating a safe and trusting environment
- Remaining neutral
- Using nonjudgmental language
- Responding only when a response is necessary

- Staying calm in a tense situation
- Encouraging people to ‘vent’ while being aware of safety
- Listening and repeating what students say
- Identifying and labeling feelings, values and topics to be resolved
- Asking open-ended questions
- Assisting people in using a positive problem-solving process

#### C. Additional Supports

- Behavior Support Plan – An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies and supports. This plan is appropriate for students with and without disabilities.
- Conferencing – Involves students, parents/guardians, teachers, school staff and administrators in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.
- Conflict Resolution – Empowers students to take responsibility for peacefully resolving conflicts. Students, staff and parents/guardians may engage in activities that promote problem solving skills and techniques.
- Functional Behavior Assessment – Involves gathering information about students’ inappropriate behavior and determining approaches that school staff should take to correct or manage student behavior.
- Guidance Conference – Students and school staff meet, led by a school counselor or other mental health provider, to jointly develop a contract of conduct. The student and parent/guardian will acknowledge understanding and receipt of the contract with the expectation that the student will adhere to the information contained in the District Code of Conduct.
- Mentoring Program – Involves pairing students with a mentor who will help their personal, academic, and social development.
- Peer mediation – A form of conflict resolution in which students help other students deal with and develop solutions to conflict.
- Referral to District Resources
- Referral to Community Resources
- Behavior Intervention Plan for a student who has been formally evaluated using a functional behavior assessment and requires a Tier 3 intervention as noted in Appendix B

### VIII. PROHIBITED STUDENT CONDUCT

District personnel, who interact with students, are expected to use restorative action prior to or in conjunction with 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 restorative and/or disciplinary action, up to and including suspension from school as determined by administration on a case-by-case basis, when they:

**A. Engage in any on campus or off campus conduct that is disruptive/negatively impacts or constitutes, causes, or interferes with or promotes distraction from or disruption of the school environment/educational process or undermines health or safety. This includes actions that violate classroom management plans and building-level expectations for maintaining a safe and secure learning environment. (See district policies 3410, 3412, 3420)**

**Examples of this conduct include but are not limited to:**

\*Chronic acts of disruptive behavior by any student (including those suspected of a disability) may result in the development of a Functional Behavioral Assessment and/or Behavioral Intervention Plan and may result in a superintendent’s hearing.

1. Unsafe hallway behavior;
2. Making disruptive noise;
3. Obstructing vehicular or pedestrian traffic;
4. Engaging in any willful act with malicious intent or intent to deceive, which disrupts the normal operation of school (including falsely reporting incidents or behaviors);
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. Harassment/Bullying/Cyberbullying 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. (See district policy 7315)
10. The use of technology to record, document, and/or disseminate information about an individual without their consent with malicious intent or intent to deceive is prohibited (including falsely reporting incidents or behaviors). 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. (See district policies 7316, 8271)
11. 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.
12. The inappropriate use of district and personal electronic devices (including, but not limited to cell phones, smart phones, tablets, I-pads, digital cameras and/or social media accounts), which are disruptive to the learning environment or violate the Acceptable Use Policy. (Refer to Appendix C). 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 are 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).
13. Lying to school personnel.
14. Stealing the property of other students, school personnel or other persons lawfully on school property.
15. Selling, using or possessing obscene material.
16. 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. (See district policy 5640)
17. Possessing, consuming, selling, transferring, distributing or exchanging alcohol in any form, or illegal or unauthorized 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, heroin, 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).
18. Unauthorized possession, use, sale, dissemination, exchange, or sharing of 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.
19. Defamation, which includes making false statements that harms the reputation of that person/group.
20. 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.
21. Acts of sexual harassment as defined in the district's sexual harassment policy, including indecent exposure of private body parts. (See district policy 6121)
22. In accordance with school district policies, individual and/or gang related bullying, harassment, intimidation, or cyberbullying. "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, and 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 (forces 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.

23. Using vulgar or abusive language or gestures, cursing or swearing, or displaying gang-related insignia.
24. Initiating a report of fire, bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
25. Gambling and gaming (including, but not limited to: gambling or gaming via the internet).
26. Signs of excessive physical affection that are inappropriate for school
27. Subjecting any other student(s), school personnel, or any other person to danger by engaging in conduct that creates risk of injury or harm.
28. Attempting to sabotage or intentionally circumvent security measures.
29. Inappropriate use of the District Tip Line.

**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:** (see district policies 3411, 3412)

\*(Repeated acts of physical or verbal aggression by any students (including those suspected of a disability) may 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. (See district policy 7360)
3. Displaying any item that resembles or 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 their physical well-being.
8. Possessing any ammunition (or any look-alike objects resembling ammunition) of any kind, whether used or unused and whether spent or unspent, including but not limited to bullets, shells, shell casings, rounds, explosives, arrows, or other projectiles, et. al.

**C. Engage in conduct that discriminates/harasses or bullies as defined in the Dignity for All Students Act on any school property or during school-sponsored functions including transportation, to and from schools and school events. Such examples include but are NOT limited to:** (See district policies 3420, 7550, 7553)

1. Name-calling.
2. Telling an inappropriate joke.
3. Making ethnic slurs.

**D. Engage in misconduct while on a school bus.** (See district policy 7340)

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 1-8 in Section B. 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.

**E. academic misconduct.** (See district policy 7315)

**Engage in any form of**

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, SparkNotes   |
| or other websites where students can share and retrieve plagiarized answers for their work |                          |
| 5.   | Sharing answers          |
| 6.   | Use of iPods, MP3        |
| players, earbuds, 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.

## **IX. VIOLATIONS**

## **REPORTING**

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.

If any school staff member has reason to believe that a current student is likely to engage in conduct that would cause serious physical harm to themselves or others, they should report the concern to the building administrator. The building administrator or other school official may then file an application in the supreme court of the county in which the student resides for an extreme risk protection order. The decision to issue this order rests with the court and the determination will be based on probable cause (<https://ww2.nycourts.gov/erpo>).

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.

**X. DISCIPLINARY PROCEDURES, INTERVENTIONS, AND CONSEQUENCES** (See district policies 7313, 7550)

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

- |    |  |
|----|--|
| 1. | The student's age and developmental level.                                 |
| 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 based on the Multi Tiered System of Support model of interventions. Violations will be addressed on a case-by-case basis, and interventions will be determined based on severity of the violation. Interventions may include restorative practices and conferencing, and other disciplinary actions up to and including suspension.

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 will 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 address the disruption or conflict, repair the harm, set goals for remediation, and prevent another occurrence of the behavior. Appropriate remedial measures may include, but are not limited to:

- Restorative practices
- Lion's Den support (grade K-6)
- Peer support groups
- Assignment of a 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,
- 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, may be subject to the following actions either alone or in combination with one another, as determined on a case-by-case basis. 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. member of the district staff	Verbal warning-Any
3. driver, hall, lunch, study hall monitors, teachers, and administration	Written warning-Bus
4. parent-Bus driver, study hall and lunch monitors, teachers and administration	Written notification to
5. Administration	Detention-Teachers,
6. transportation-Administration	Suspension from
7. athletic participation-Administration	Suspension from
8. or extracurricular activities-Administration	Suspension from social
9. privileges-Administration	Suspension of other
10. Administration	In-school suspension-
11. classroom-Teachers, Administration	Removal from
12. (five days or less)-Administration, Board of Education.	Short-term suspension
13. (more than five days)-Superintendent, Superintendent's designee, Board of Education	Long term suspension
14. from school-Superintendent, Board of Education	Permanent suspension

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 assist a student in managing their behavior and maintain or restore a safe and secure learning environment 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 their composure and self-control. Such practices may include, but are not limited to: a short break to self-regulate in a designated safe space , Lion's Den, or in an administrator's office;

- |   |                      |
|---|----------------------|
| a.<br>another room per arrangement with another staff member;             | Sending a student to |
| b.<br>the principal's office for the remainder of the class time only; or | Sending a student to |

c. Sending a student to a school counselor, mental health professional, 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 following the steps outlined below, 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.

Step 1 - If a student engages in the same disruptive behavior after multiple redirections by the teacher and/or 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 they were removed from the classroom and give the student a chance to present their version of the relevant events within 24 hours.**

Step 2 - The teacher must document the incident in writing based on the process established by building administration.

Step 3 – The teacher must 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 written documentation of the incident.

Step 4 - The teacher must contact the student's parent/guardian to discuss the concern or suggested remedial action.

Step 5 - 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.

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 document the incident in writing based on the process established by building administration 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 (See district policy 5730)**

If a student does not conduct themselves 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/legal guardian 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/legal guardian will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the conduct and the consequences 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) are not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent/legal guardian will be provided with a reasonable opportunity for an informal conference with the administrator imposing the suspension to discuss the conduct and the consequences involved.

### **5. In-school Suspension (See district policy 7313)**

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/legal guardian will be provided with a reasonable opportunity for an informal conference with the administrator imposing the sanction to discuss the conduct and the consequences involved.

### **6. Suspension from School (See district policy 7313)**

Suspension from school is a severe consequence used after multiple interventions have been attempted with the student. Collaborative and non-punitive approaches to school discipline/behavior management are preferred. However, exceptions that may result in suspension from school include: violent acts, when the safety of others is impaired, or a violation of the law, as well as chronic insubordination and disruption to the learning environment.

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.

**D.**

**1) 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 will 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 their 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, -they shall give reasonable notice to the student and the student’s parent/legal guardian 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 them and the right to present witnesses and other evidence on their 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. (Refer to Appendix D)

The Superintendent shall personally hear and determine the proceeding or may, at their 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 them. 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/legal guardians can show that extraordinary circumstances preclude 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.

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 to school (See district policy 7360)**

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 and developmental level.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances, such as the student's mental health.

#### **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 Court.**

- a. Any student under the age of 16 who is found to have brought a weapon (machine gun, firearm silencer, switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, automatic knife, rifle, shotgun, cane sword, antique firearm, chuka stick, electronic dart gun, kung fu star, electronic stun gun, self defense spray device, semi-automatic weapon assault weapon, large capacity ammunition feeding device) 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/legal guardian 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 learning environment**

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/legal guardian 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.

## **XI. ALTERNATIVE INSTRUCTION** (See district policy 7220)

When a teacher removes a student of any age from class 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.

## **XII. DISCIPLINE OF STUDENTS WITH DISABILITIES**

### **E. 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 themselves 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 their 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 their current educational placement poses a risk of harm to the student or others.

### **F.**

#### **2) 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.

**G.**

### **3) 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 their 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. 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~~ their-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/legal guardian 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/legal guardian of such determination, in the manner required by applicable law and regulations; or
- 3) The parent/legal guardian of the student has not allowed an evaluation of the student; or
- 4) The parent/legal guardian 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/legal guardians 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~~ their 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/legal guardian 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/legal guardians 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.

#### 4) **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~~ their current educational placement, or during the due process hearings where school personnel maintain that it is dangerous for the student to be in their current educational placement during such proceedings.

b. The parent/legal guardian 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 propose 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 a time period, they 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.

## 5) **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.

## **XIII. 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 restorative methods that do not involve the use physical force have not been successful at preventing student harm and disruption, de-escalating or regulating the student, 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 presents danger to themselves or the learning environment

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.

## **XIV. STUDENT SEARCHES AND INTERROGATION** (See district policy 7330)

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/legal guardian 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 they possess 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/legal guardian to give the parent/legal guardian 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** (See district policy 7530)

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 parent or legal guardian may not interfere with a Child Protective Services investigation. 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.

**XV. VISITORS TO THE SCHOOLS** (See district policies 3211, 3210, 5640, 5680)

The board encourages parents/legal guardians 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 sign out in the main office before leaving the building.
3. There may be circumstances where visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to sign in.
4. Parents/legal guardians 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”.
8. Visitations to rooms where students are present will be restricted to protect the confidentiality of students and learning environments.

**XVI. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing a safe and welcoming 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, or compromise school security in any way. (See district policy 6151)
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. Violate the traffic laws, parking regulations or other restrictions on vehicles.
8. 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.
9. 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.
10. Loiter on or about school property.
11. Gamble on school property or at school functions.
12. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
13. Use aggressive, profane, or obscene language.
14. Willfully incite others to commit any of the acts prohibited by the code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. No person shall smoke, use tobacco or e-cigs on school property.
17. Possess, share, show, or distribute inappropriate electronic images.
18. Attempt to sabotage or intentionally circumvent security measures.
19. Initiate or participate in any disruptions to remote learning (including but not limited to: use of profanity, video or audio recording of remote learning sessions, inappropriate dress, etc.).

## **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.

## **XVII. 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.

### **Dissemination of the Code of Conduct**

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

1. Posting the Code of Conduct on the District website;
2. 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;
3. 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;
4. Providing all new employees with access to the current code when they are first hired;
5. Making copies of the code available for review by students, parents/legal guardians, and other community members.
6. Acknowledge receipt and review of the Code of Conduct by parent and student. (Appendix E)

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

## Appendix "A"

### GLOSSARY OF TERMS USED IN REPORTING OF INCIDENTS CONCERNING SCHOOL SAFETY AND EDUCATIONAL CLIMATE (SSEC) REVISED OCTOBER, 2017

**Violent or disruptive incident:** an incident that occurs on school property of the school district, Board of Cooperative Educational Services, charter school or county vocational education and extension board, and falls under one of these categories:

1) **Homicide:** Any intentional violent conduct that results in the death of another person.

2) **Sexual Offenses:**

a) **Forcible Sex Offenses:** 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, penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, and genitalia.

b) **Other Sex Offenses:** Other non-consensual sex offenses involving inappropriate sexual contact, including but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but it not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, 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 students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least four years older than the youngest individual participating in the conduct.

3) **Assault:** engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories:

a) **Physical Injury:** means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion.

b) **Serious Physical Injury:** means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

4) **Weapons Possession:** possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:

a) **Routine Security Checks:** possession of one or more weapons (see list below) secured through routine security checks.

i. Firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paintball gun;

ii. A switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;

iii. A Billy club, blackjack, bludgeon, chukka stick, or metal knuckles;

iv. A sandbag or sand club;

- v. A slingshot or slingshot;
- vi. A martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shiriken;
- vii. An explosive, including but not limited to, a firecracker or other fireworks;
- viii. A deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. An imitation gun that cannot be easily distinguished from a real gun;
- x. Loaded or blank cartridges or other ammunition; or
- xi. Any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

b) **Weapons possessed under other circumstances:** Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.

**5a. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)**

A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner’s Regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Commissioner’s Regulation §100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

- **Bullying** is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.
- **Imbalance of Power:** involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- **Repetition:** Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- **Intent to Harm:** The person bullying has the goal to cause harm. Bullying is not accidental.
- **Discrimination** not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

b) **Cyberbullying** is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a and Commissioner’s Regulation 100.2(kk)(1)(viii)).

6. **Bomb Threat:** a telephoned, written or electronic message that a bomb, explosive, or biological weapon has been or will be placed on school property.
7. **False Alarm:** causing a fire alarm or other disaster alarm to be activated knowing there is no danger or, through false reporting of a fire or disaster.
8. **Use, Possession, or Sale of Drugs:** Illegally using, possessing or being under the influence of a controlled or an illegal substance on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.
9. **Use, Possession, or Sale of Alcohol:** Illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

## Bias-Related Terms

1. **Biased-Related Conduct:** Behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
2. **Race:** The groups to which individuals belong, identify with, or belong in the eyes of the community.
3. **Ethnic Group (Ethnicity):** An affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.
4. **National Origin:** An individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.
5. **Religion:** A religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
6. **Religious Practices:** Religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
7. **Disability:** (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 a record of such an impairment or (b) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).
8. **Gender:** A person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).
9. **Sexual Orientation:** Actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
10. **Sex:** The biological and physiological characteristics that define men and women.
11. **Other:** Can include, but is not limited to, physical characteristics, age, socio-economic status, health condition, housing, domestic relationships, social academic status, etc.

## Other Related Terms

1. **Gang-Related:** When an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.
2. **Group Related:** An incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.
3. **School Property:** Shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i)).
4. **School Function:** Means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8NYCRR 100.2(kk)(1)(ii)).
5. **School Bus:** Means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).
6. **Target:** Refers to a person who has been mistreated and/or injured or the individual intended to be affected by the incident.
7. **Victim:** See the definition of target.
8. **Other:** Refers to a target/victim offender, who is unknown, or neither a student, nor a staff member.
9. **Disciplinary or Referral Action:** For purposes of reporting, a consequence assigned based on the violation of the school's code of conduct and reported under one of the following:
  - **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 linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
  - **Teacher Removal:** The removal of a disruptive student from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).
  - **In-School Suspension:** A removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel.
  - **Out-of-School Suspension:** A student is suspended from attending classes or being on school property. The student must receive their instruction during the period of suspension, in an alternate setting, separate from the school which their class/age peers attend.
  - **Involuntary Transfer to an Alternative Placement:** The removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours.
  - **Community Service:** When a school/district determines work that is assigned without pay to help a community.
  - **Juvenile Justice or Criminal Justice System:** When the school is aware that a student, under the supervision of juvenile justice of the criminal justice system, engages in an incident that may rise to the level of a criminal offense, the school reports the incident to the juvenile justice system for intervention.
  - **Law Enforcement:** When a student engages in an incident that occurs on school grounds, during school-related events, or while on school transportation, and the incident may rise to the level of a criminal offense, the school reports the incident to any law enforcement agency or official, according to law enforcement procedures.
10. **Sexting:** The sending, receiving, or forwarding of sexually suggestive nude or nearly nude photos through electronic communication.
11. **School-Related Arrests:** An arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral to law enforcement by any school official.



Appendix “B”

	<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Description of Behavior	<ul style="list-style-type: none"> <li>● Passive noncompliance</li> <li>● Unwilling to communicate</li> <li>● Calling out</li> <li>● Disrespectful</li> <li>● Dress code violation</li> <li>● Inappropriate attitude/tone</li> <li>● Insubordination</li> <li>● Refusing to complete work/inattentive</li> <li>● Tardy to class</li> <li>● Unprepared for class</li> <li>● Inappropriate use of electronic devices</li> <li>● Stealing</li> <li>● Lying</li> <li>● Bullying</li> <li>● Hall misconduct</li> <li>● Lunch/recess misconduct</li> </ul>	<ul style="list-style-type: none"> <li>● Repeated behavior disrupting the learning of self or others</li> <li>● Repeated use of inappropriate language</li> <li>● Repeated bullying of the same students</li> <li>● Repeated stealing of multiple items from multiple people</li> <li>● Purposeful insubordination</li> <li>● Deliberate destruction of property</li> <li>● Verbal or physical aggression</li> </ul>	<ul style="list-style-type: none"> <li>● Severely physically aggressive</li> <li>● Severely verbally aggressive</li> <li>● Self-injurious</li> </ul>
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"> <li>● Consultation with other building staff</li> <li>● Break from classroom work/routine</li> <li>● Verbal warning</li> <li>● Classroom modifications</li> <li>● Discussion with student</li> <li>● Parent/legal guardian contact/home-school communication</li> <li>● Letter of apology</li> <li>● Incentive system for positive behavior</li> <li>● Loss of privilege/activity</li> <li>● Behavior Support Plan</li> <li>● Behavior Contract</li> </ul>	<ul style="list-style-type: none"> <li>● FBA (Functional Behavior Assessment)</li> <li>● Modification of BIP (Behavior Intervention Plan)</li> <li>● Lunch bunch counseling</li> <li>● Individual/group counseling</li> <li>● Second Step classroom program</li> <li>● Referral to principal</li> <li>● Referral to Social Worker/outside resources</li> <li>● Referral to School Based Support Team</li> <li>● Behavior Support Plan</li> <li>● Behavior Contract</li> </ul>	<ul style="list-style-type: none"> <li>● De-escalation</li> <li>● Strategically taught social skills</li> <li>● Strategically taught classroom behaviors</li> </ul>

## Appendix "C"

2018 6410

Personnel

### **SUBJECT: STAFF ACCEPTABLE USE POLICY**

The Board of Education will provide staff with access to various computerized information resources through the District's computer system (DCS hereafter) consisting of software, hardware, computer networks, wireless networks/access and electronic communication systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may also include the opportunity for staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. To that end, the Board directs the Superintendent or his/her designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as prescribed behavior.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy protected by federal and state law.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District.

### **Social Media Use by Employees**

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, the Board of Education encourages the use of District approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

For purposes of this Policy, the definition of **public social media networks or Social Networking Sites (SNS)** are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites and any other social media generally available to the School District community which do not fall within the District's electronic technology network. The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use, and Personal Use. Personal use of social media or SNS by employees during District time or on District-owned equipment is **not allowed**. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with the Code of Conduct and all applicable District Policies and Regulations.

### **Confidentiality, Private Information and Privacy Rights**

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, SkyDrive, etc.) for confidential files.

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings are enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

NOTE: Refer also to Policies #5672 -- Information Security Breach and Notification  
#6411 -- Use of Email in the School District  
#7243 -- Student Data Breaches  
#7316 -- Student Use of Personal Technology  
#8271 -- Internet Safety/Internet Content Filtering

Adopted: 11/4/15  
Revised: 12/12/18

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the Lockport City School District.

**Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices**

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the School District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material that may be considered inappropriate for students. Students may have the ability to access such content or materials from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

**Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct, which apply to any school activity, shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as prescribed behavior.

Lockport City School District students shall also adhere to the laws, policies and rules governing electronic systems including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose privileged access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property (physical and/or intellectual) of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas are considered to be School District property subject to control and inspection. The Superintendent of Schools or his/her designee may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the DCS would be private.

### **Notification**

The District's Acceptable Use Policy and Regulations are made available to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the District information systems at [www.lockportschools.org](http://www.lockportschools.org) or by request to the Director of Assessment and Technology.

Regulations will be established as necessary to implement the terms of this policy.

NOTE: Refer also to Policy #8271 – Internet Safety/Internet Content Filtering District Code of Conduct

Adoption Date: November 4, 2015

APPENDIX "D"

**WAIVER OF HEARING AND CONSENT TO DISCIPLINE**

I have been informed of the following:

1. Pursuant to Section 3214 of the Education Law, a student may only be suspended from school consistent with due process requirements that include notice of the charged misconduct (as required by statute) and a right of the parent/legal guardian and the student to attend an informal conference with the principal and question complaining witnesses.
2. Pursuant to Section 3214 of the Education Law, no student may be suspended for a period in excess of five school days unless such student and the person in parental relation to such student shall have had an opportunity for a fair hearing.
3. At the hearing described in Paragraph Number 2 above, the student and parents/legal guardian have the rights to: Representation by counsel; ask questions of any witnesses who testify; and present evidence on behalf of the student, including by calling witnesses to testify.
4. After the hearing described in Paragraph Number 2 above, the hearing officer shall make findings of fact and recommendations, as to the appropriate measure of discipline (if any), to the Superintendent of Schools of the Lockport City School District.
5. After the hearing described in Paragraph Number 2 above is held and the Superintendent of Schools renders a decision, an appeal may be made to the Board of Education to request a reversal or modification of the decision of the Superintendent of Schools.

Having been informed of the rights described above, and having received the notice of suspension from the Principal and the Notice of Hearing from the Superintendent of Schools: **I hereby admit that the allegations against myself or my child, contained in the aforesaid hearing notice, are true and accurate; and I have voluntarily decided to waive the right to a hearing and to accept a disposition consisting of suspension of my child from the Lockport City School District.**

I enter into this consent to discipline agreement voluntarily, knowingly, and intelligently, to the maximum extent allowable by law, and my agreement has not been induced by fraud, duress or any other undue influence. I understand and agree that this agreement is subject to the written approval of the Superintendent of Schools of the Lockport City School District.

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

---

Name of Student (please print)

---

Signature of Student (if 18+)

---

Date

**WAIVER OF GUILT PHASE HEARING**

I have been informed of the following:

1. Pursuant to Section 3214 of the Education Law, a student may only be suspended from school consistent with due process requirements that include notice of the charged misconduct (as required by statute) and a right of the parent/legal guardian and the student to attend an informal conference with the principal and question complaining witnesses.
  
2. Pursuant to Section 3214 of the Education Law, no student may be suspended for a period in excess of five school days unless such student and the person in parental relation to such student shall have had an opportunity for a fair hearing.
  
3. At the hearing described in Paragraph Number 2 above, the student and parents/legal guardians have the rights to: Representation by counsel; ask questions of any witnesses who testify; and present evidence on behalf of the student, including by calling witnesses to testify.
  
4. After the hearing described in Paragraph Number 2 above, the hearing officer shall make findings of fact and recommendations, as to the appropriate measure of discipline (if any), to the Superintendent of Schools of the Lockport City School District.
  
5. After the hearing described in Paragraph Number 2 above is held and the Superintendent of Schools renders a decision, an appeal may be made to the Board of Education to request a reversal or modification of the decision of the Superintendent of Schools.

Having been informed of the rights described above, and having received the notice of suspension from the Principal and the Notice of Hearing from the Superintendent of Schools: **I hereby admit that the allegations against myself or my child, contained in the aforesaid hearing notice, are true and accurate; and I have voluntarily decided to waive the right to a hearing on the issue of guilt. I understand that, as a result of the foregoing waiver of the guilt phase of a fair hearing and the foregoing admission, the manifestation team of the Committee on Special Education (CSE) will convene to determine whether or not my child’s misconduct was the manifestation of a disability. I further understand that, depending upon the determination of and disposition by the manifestation team of the-CSE, my child may be subject to either disciplinary action (that may include long-term suspension from school or other disciplinary action) or long-term placement in an interim alternative educational setting.**

I enter into this consent to discipline agreement voluntarily, knowingly, and intelligently, to the maximum extent allowable by law, and my agreement has not been induced by fraud, duress or any other undue influence. I understand and agree that this agreement is subject to the written approval of the Superintendent of Schools of the Lockport City School District.

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

---

Name of Student (please print)

---

Signature of Student (if 18+)

---

Date

APPENDIX "E"

2021/2022 School Year

Lockport City School District  
Code of Conduct

June 2021 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.

\_\_\_\_\_  
Name of Student (please print)

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

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