

POLICY

2001

7310

Students
Code of Conduct

SUBJECT: Code of Conduct

TABLE OF CONTENTS

- I. INTRODUCTION
- II. DEFINITIONS
- III. STUDENT RIGHTS AND RESPONSIBILITIES
- IV. EXPECTATIONS FOR THE ESSENTIAL PARTNERS IN EDUCATION
- V. STUDENT ATTENDANCE
- VI. STUDENT DRESS CODE
- VII. PROHIBITED STUDENT CONDUCT
- VIII. REPORTING VIOLATIONS
- IX. DISCIPLINARY PROCEDURES AND PENALTIES
- X. DISCIPLINE OF STUDENTS WITH DISABILITIES
- XI. CORPORAL PUNISHMENT
- XII. CHILD PROTECTIVE SERVICES INVESTIGATIONS
- XIII. VISITORS TO SCHOOLS
- XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY
- XV. DISSEMINATION AND REVIEW

POLICY

2001

7310

Students
Code of Conduct

I. INTRODUCTION

The Jamesville-DeWitt Board of Education ("Board") is committed to providing a safe and orderly learning environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other staff, parents and other visitors is essential to achieving this goal. (See Board Policy 7300, School Conduct and Discipline.)

The 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 civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct, identify the possible consequences of unacceptable behavior, and to ensure that discipline when necessary is administered fairly, and in a timely manner.

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school-sponsored function.

II. DEFINITIONS

For purposes of this code, the following definitions apply.

“Disruptive student” means a student under the age of twenty-one who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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

“School property” means in or within any building, structure, play area, parking lot or land contained within the real property boundary line of a district facility, or in or on a school vehicle.

POLICY

2001

7310

Students
Code of Conduct

“Violence” means the threatened or actual use of physical force or power against another person, one’s self, a group or a community which results or could result in injury, death or deprivation. (This definition was developed by the Centers for Disease Control in 1998.)

“School function” means any school-sponsored event or activity, on or off school property.

“Violent student” means a student who:

- 1) Commits an act of violence upon a school employee.
- 2) Commits an act of violence upon another student or any other person while on school property or at a school function.
- 3) Possesses a weapon while on school property or at a school function.
- 4) Displays what appears to be a weapon while on school property or at a school function.
- 5) Threatens to use a weapon while on school property or at a school function.
- 6) Knowingly and intentionally damages or destroys the personal property of any person on school property or at a school function.
- 7) Knowingly and intentionally damages or destroys school property.

“Weapon” means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

POLICY

2001

7310

**Students
Code of Conduct**

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

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

1. Be treated with courtesy, respect, honesty and fairness.
2. Learn in a safe, orderly, supportive environment.
3. Receive constructive discipline for the development of good conduct, habits and character.
4. Develop and express opinions, beliefs and values, provided such expression is not disruptive, slanderous or insubordinate.
5. Take part in all district activities on an equal basis.
6. Have school rules and expectations for behavior available for review and explanation.
7. Present their version of the facts and circumstances in any disciplinary matter prior to the imposition of a penalty.

B. STUDENT RESPONSIBILITIES

All students have the responsibility to:

1. Show respect toward staff, other students, visitors, school property and the personal property of other.
2. Be familiar with and obey all school rules and regulations.

POLICY

2001

7310

Students
Code of Conduct

3. Complete assignments, study and actively participate in educational activities.
4. Attend school and classes regularly and punctually.
5. Use appropriate language and show common courtesy to others during all school-related activities.
6. Comply with reasonable requests made by district staff.
7. Behave as a representative of the district, maintaining high standards of conduct, sportsmanship and citizenship during all school-related activities.
8. Report information to a school administrator which might impact a safe and orderly school environment.

IV. EXPECTATIONS FOR THE ESSENTIAL PARTNERS IN EDUCATION

A. PARENTS

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the educational community.
2. Send their children to educational programs ready to participate and learn.
3. Ensure their children attend class regularly and on time.
4. Ensure reasons for absences are documented.
5. Ensure their children be dressed and groomed in a manner consistent with the student dress code.

POLICY

2001

7310

Students
Code of Conduct

6. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education.
9. Help their children deal effectively with peer pressure.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed.
12. Report information to a school administrator which might impact a safe and orderly school environment.

B. TEACHERS

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Demonstrate interest in teaching and concern for student achievement.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Communicate the following to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Expectations for students
 - d. Classroom and/or building discipline plan

POLICY

2001

7310

Students
Code of Conduct

5. Communicate regularly with students, parents and other teachers concerning student growth, achievement and behavior.
6. Report information to a school administrator which might impact a safe and orderly school environment.
7. Actively engage in creating a safe and orderly environment by being visible outside the classroom and communicating expectations for student behavior

C. SCHOOL COUNSELORS

All counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent - teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Know school policies and rules and enforce them in a fair and consistent manner.
4. Report information to a school administrator which might impact a safe and orderly school environment.

D. SUPPORT STAFF

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Know school policies and rules and enforce them in a fair and consistent manner.

POLICY

2001

7310

Students
Code of Conduct

3. Report information to a school administrator, which might impact a safe and orderly school environment.

E. ADMINISTRATORS

All administrators are expected to:

1. Promote a safe, orderly, respectful, and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Report information to the superintendent which might impact a safe and orderly environment.

F. SUPERINTENDENT

The Superintendent is expected to:

1. Promote a safe, orderly, respectful 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.

POLICY

2001

7310

Students
Code of Conduct

3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and staff needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved fairly and in a timely manner.

G. BOARD OF EDUCATION

The Board of Education is expected to:

1. Adopt and review at least once each year the district Code of Conduct, to evaluate the code's effectiveness and the fairness and consistency of its implementation.
2. Make public all policies related to the district Code of Conduct.

V. STUDENT ATTENDANCE

Every student is expected to attend class on a regular basis. Absence will result in loss of instruction; therefore, attendance is considered imperative. School attendance is both a right and a responsibility. Absences, tardiness and early departures which are unexcused will result in disciplinary action. Consequences may include, but are not limited to detention, in-school suspension, and denial of participation in interscholastic and extra-curricular activities. Any student who repeatedly fails to comply with attendance requirements shall be subject to further discipline, up to and including out-of-school suspension. (See Board Policy 7110, Comprehensive Student Attendance Policy.)

POLICY

2001

7310

Students
Code of Conduct

VI. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable dress, thereby helping students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

- 1) Be safe, appropriate and not disrupt or interfere with the educational process.
- 2) Recognize that extremely brief garments and see-through garments are not allowed.
- 3) Ensure that underwear is completely covered with outer clothing.
- 4) Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- 5) Not include the wearing of hats (full or partial head covering) in school except for a medical or religious purpose, where it is part of a uniform or as a part of a school-sanctioned activity.
- 6) Not include items that are vulgar, obscene, libelous or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation or disability.
- 7) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
- 8) Not include coats and related outerwear except when directed by administration.

POLICY

2001

7310

Students
Code of Conduct

Each Building Principal shall be responsible for informing all students and their parents of the student dress code at the beginning of the academic year and any revisions to the dress code made during the academic year.

A student shall not be prevented from attending school or a school function, or otherwise be discriminated against so long as his/her dress and appearance meet the above requirements.

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

VII. PROHIBITED STUDENT CONDUCT

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School personnel who interact with students are expected to use disciplinary action when necessary and to place emphasis on the students' ability to grow in self-discipline.

Expectations for student conduct while on school property or engaged in a school-sponsored function should be specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these rules will be required to accept penalties for their conduct.

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

POLICY

2001

7310

Students
Code of Conduct

- A. Engage in conduct that is disorderly. Examples of disorderly conduct may include, but are not limited to:
1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar, abusive or disrespectful.
 4. Obstructing vehicular or pedestrian traffic and other vehicular infractions.
 5. Engaging in any willful, disruptive act.
 6. Trespassing - Students are not permitted in any school building, other than the one they regularly attend, unless participating in a school-sponsored activity.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include, but are not limited to:
1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Missing or leaving school property without permission, including truancy, tardiness to school and/or class, intentionally missing class.
 3. Failure to attend detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct may include, but are not limited to:

POLICY

2001

7310

Students
Code of Conduct

1. Failing to comply with the lawful directions of teachers, administrators or other school personnel in charge of students.
 2. Being late for school or class.
 3. Being unprepared for class.
- D. Engage in conduct that is violent. Examples of violent conduct may include, but are not limited to:
1. Committing an act of violence upon a teacher, administrator or other school employee.
 2. Committing an act of violence upon another student or any other person on school property or at a school function.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. "Weapon" means a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other dangerous instrument that can cause physical injury or death.. (See Board Policy 7360, Gun-free Schools, 3411, Weapons in School, and 3412, Unlawful Possession of a Weapon on School Grounds.)
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee, student or any person's property.

POLICY

2001

7310

Students
Code of Conduct

7. Intentionally damaging or destroying school district property. (See Board Policy 7311, Loss or Destruction of District Property.)
- E. Engage in any conduct that endangers safety, health or welfare. Examples of such conduct may include but are not limited to:
1. Lying to school personnel.
 2. Stealing the property of other students, school personnel or any other person on school property or present at a school function.
 3. Acts of sexual harassment as defined in the school's sexual harassment policies (Board Policies 6121, 7531).
 4. Acts of discrimination and harassment as defined in the school's discrimination and harassment policies (Board Policies 6125, 7535). Acts of discrimination and harassment based on race, sex, sexual orientation, age, color, creed, religion, national origin, ethnicity or disability.
 5. Selling, using or possessing obscene material.
 6. Hazing or intimidation which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Bullying which includes purposeful actions that put an individual in emotional distress or in any way harm an individual's psychological well being.
 8. Inappropriately using or sharing prescription and over-the-counter drugs.
 9. Smoking a cigarette, cigar, pipe, using chewing or smokeless tobacco or possessing tobacco products, matches or a lighter.

POLICY

2001

7310

Students
Code of Conduct

10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances, drug paraphernalia or being under the influence of either. Banned substances include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs." (See Board Policy 7320, Alcohol, Drugs and Other Substances.)

- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on 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 will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the school Code of Conduct. (See Board Policy 7340, Bus Rules and Regulations.)

- G. Engage in any form of academic misconduct. Examples of academic misconduct may include, but are not limited to:
 1. Plagiarism – presenting another’s ideas or words as if they were your own, without acknowledging the source.
 2. Cheating.
 3. Altering a grade, or other student record, on paper or in electronic form.
 4. Receiving or providing unauthorized assistance in completing an assignment or task.

- H. Engage in prohibited conduct while participating in athletics, extra-curricular activities, or field trips. (See athletic Code of Conduct.)

VIII. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student or visitor who observes a violation of the Code of Conduct shall report it immediately to a staff member. Any staff member who observes, or is made aware of a violation of the Code of Conduct shall address the violation directly or report it to an administrator.

The building principal or superintendent of schools will notify the appropriate law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of the school. This notification will be made by telephone as soon as practical, and under normal circumstances, the same day that the building principal or superintendent became aware of the violation.

IX. DISCIPLINARY PROCEDURES AND PENALTIES

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

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

- 1) Student's age
- 2) Nature of the offense and the circumstances which led to the offense
- 3) Student's prior disciplinary record
- 4) Effectiveness of other forms of discipline
- 5) Information from parents, teachers, counselors, and/or others, as appropriate

POLICY

2001

7310

Students
Code of Conduct

6) Other extenuating circumstances

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of Board Policy 7615 for the discipline of students with disabilities. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. PENALTIES

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

1. Verbal warning - any member of the staff
2. Written and/or verbal notification to parent - bus driver, school monitors, teachers, administration, superintendent
3. Withholding of academic credit for academic misconduct – teachers, administration
4. Detention – administration, teachers
5. Suspension from transportation - principal, superintendent
6. Exclusion from social or extracurricular activities - administration
7. Loss of other privileges - administration
8. In-school suspension - principal, superintendent

POLICY

2001

7310

Students
Code of Conduct

9. Removal from classroom by teacher - teachers, principal
10. Short-term (five days or less) suspension from school - principal, superintendent, Board of Education
11. Long-term (more than five days) suspension from school - superintendent, Board of Education
12. Permanent suspension from school - superintendent, Board of Education

B. PROCEDURES

The amount of due process a student is entitled to before a penalty is imposed will depend on the type of penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary action.

Students who are to be given penalties other than a verbal or written warning, or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the students' parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

POLICY

2001

7310

Students
Code of Conduct

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the building principal or program supervisor. Students who become a serious disciplinary problem may have their riding privileges suspended by the Building Principal or the Superintendent. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

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

3. Exclusion from extracurricular and athletic activities and other privileges

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

4. In-school suspension

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals, assistant principals, and the superintendent to place students who might otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of

POLICY

2001

7310

Students
Code of Conduct

students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

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

5. Teacher removal of disruptive students

A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from his/her class for up to two school days if the teacher finds the student's continued presence to pose a threat of disruption or danger. The removal from class applies to the class of the removing teacher only. A class at the K-6 level is the interval of time devoted to instruction in a specific subject matter area.

The teacher must provide the student with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from

POLICY

2001

7310

Students
Code of Conduct

class and send the student to an administrator's office. If the student poses a danger, the teacher may order the student to be removed immediately. The teacher, must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events as soon as possible.

The teacher must complete a district-established referral form and meet with the principal or assistant principal 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 referral form. If the principal or assistant principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or assistant principal prior to the beginning of classes on the next school day.

Within twenty-four hours, the teacher must notify the student's parent of the removal and provide the reason(s) for the removal. The notification should be made by telephone, followed by a letter or a copy of the referral form. The principal must verify by telephone the teacher's notification and, in addition, inform the parent of his/her right to an informal conference, which will include the student, parent, teacher and principal or assistant principal. At the conference the teacher and principal or assistant principal will present the reasons for the removal and interventions to remedy the cause for the removal. The informal conference also will allow the student to present his or her version of the event(s). The informal conference must take place by the end of the second full day of school after the student's removal from class. These timelines may be extended by mutual agreement of the parent, teacher and principal or assistant principal. In the case of more than one removal of the same student on the same day, an informal conference involving all appropriate teachers may be held. The lack of availability of the parent for telephone contact or informal conference will not impede the removal process. In this case, the student maintains the right to an informal conference.

POLICY

2001

7310

Students
Code of Conduct

The principal or assistant principal may overturn the removal of the student from class, only if in the principal's or assistant principal's judgment, there is a lack of substantial evidence to support a removal, there is a violation of law, the conduct warrants suspension from school or the removal is inconsistent with the Code of Conduct. Accordingly, after discussion with the teacher, the principal or assistant principal may return the student to class. At the teacher's discretion, he/she may rescind the removal prior to the two-day removal period.

After meeting with an administrator, a student who is removed from class may be placed in a supervised setting until the period of removal is completed. As soon as possible, but no later than the beginning of the next school day, the removing teacher must provide a guide for instruction (on a district prepared form) and appropriate instructional materials.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. Teachers must ensure that the cumulative days of removal of a special education student do not violate state or federal law or regulation. The principal must keep a log of all removals of students from class.

Nothing in this section of the Code of Conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as 'time out' in the classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class within the context of this code.

POLICY

2001

7310

Students
Code of Conduct

6. Suspension from school

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

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

All staff members must immediately report and refer a violent student to the principal or assistant principal 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.

The principal or assistant principal, upon receiving a referral shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (five days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may 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

POLICY

2001

7310

Students
Code of Conduct

notice within twenty-four hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone.

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. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they may file a written appeal to the superintendent.

The Board of Education empowers the assistant principal to suspend a student in the absence of the principal.

The Board of Education empowers the BOCES principal to suspend Jamesville-DeWitt students from BOCES classes when student behavior warrants such action.

POLICY

2001

7310

Students
Code of Conduct

- b. Long-term (more than five days) suspension from school

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

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths, and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations, 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 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within thirty days of the decision.

POLICY

2001

7310

Students
Code of Conduct

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well being of others.

C. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to school property or functions

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property or to a school function, will 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 penalty, the superintendent may consider the following:

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

POLICY

2001

7310

Students
Code of Conduct

The superintendent is required to refer the following students to the County Attorney (*or the county presentment agency if not the county attorney*) for a juvenile delinquency proceeding before the Family Court:

- 1) Any student under the age of 16 who is found to have brought a weapon to school, or
- 2) Any student 14 or 15 years old who qualifies 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 property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender 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.

2. Students who violate the alcohol, drugs, and other substances policy (prohibited conduct E.10)

Any student, other than a student with a disability, found guilty of violating the alcohol, drugs and other substances policy, will be subject to suspension from school for at least five days. The student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to suspension. The superintendent or building principal in consultation with the superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

POLICY

2001

7310

Students
Code of Conduct

The violation will be reported to a law enforcement agency, as appropriate.

3. Students who commit violent acts other than bringing a weapon to school, or violate the tobacco policy (prohibited conduct E.9.)

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 or violates the tobacco policy, shall be subject to suspension from school for a minimum of two days. The student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to suspension. The superintendent or building principal in consultation with the superintendent has the authority to modify the minimum two-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

4. Students who are repeatedly substantially disruptive

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, will be suspended from school for at least two days. The student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a suspension. The superintendent or building principal in consultation with the superintendent has the authority to modify the minimum two-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

POLICY

2001

7310

Students
Code of Conduct

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state. Board Policy 7615, Discipline of Students with Disabilities and its accompanying administrative regulation describe specific rules and regulations.

XI. CORPORAL PUNISHMENT—USE OF PHYSICAL FORCE

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.

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- 1) Protect oneself, another student, teacher or any person from physical injury.
- 2) Protect property from serious harm.

POLICY

2001

7310

Students
Code of Conduct

- 3) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school functions, powers and duties, if that student has refused to refrain from further disruptive acts.

XII. CHILD PROTECTIVE SERVICES INVESTIGATIONS

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

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

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

POLICY

2001

7310

**Students
Code of Conduct**

XIII. VISITORS TO THE SCHOOLS

Parents and other district citizens are encouraged to visit the district's schools. Since schools are a place of work and learning, certain limits must be set for such visits. The building principal is responsible for all persons in the building and on the grounds during school hours. All visitors are expected to sign in at the main office and abide by the rules for public conduct. Board Policy 3210, Visitors to School and its associated administrative regulation provide rules for visitors.

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. Such rules, as well as consequences for violation of such rules, are contained in this code as well as Board Policy 3410, Maintenance of Public Order on School Property, its associated administrative regulation, and Section III Code of Behavior in the Athletic Department Handbook.

XV. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at the beginning of each school year.
2. Mailing a summary of the Code of Conduct to all parents before the beginning of each school year
3. Providing all staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

POLICY

2001

7310

**Students
Code of Conduct**

4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the code available in each building for review by students, parents and other community members.

The district will provide staff development for district employees to ensure the effective implementation of the Code of Conduct.

The Board of Education will annually review this code of conduct and revise it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

Adopted: 2001
Revised: July 2002