CODE OF CONDUCT
# Code of Conduct Contents

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I. STATEMENT OF PHILOSOPHY

The Penfield Central School District Board of Education is committed to providing a safe and orderly school environment where students may receive and District personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other District personnel, parents and other visitors is essential to achieving this goal.

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 on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. It is also our right according to New York State Education Law to impose disciplinary sanctions for incidents occurring off school property that substantially disrupt the educational process or that constitute threats of violence. To this end, the Board has adopted this Code of Conduct. Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. PROHIBITION OF RETALIATION

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings. Relatedly, neither the District, nor an employee or student thereof shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.

III. DEFINITIONS

For purposes of this code, the following definitions apply.

“Cyber-bullying” is “harassment” or “bullying”, where such harassment or bullying occurs through any form of electronic communication. Cyber-bullying may occur via electronic communication on the Internet, on cellular phones or other electronic media. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, discriminating, teasing, taunting, intimidating, threatening, bullying, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs).
bullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; impersonating someone else in order to embarrass, humiliate or ruin the reputation of that individual. Cyber-bullying involving District students may occur both on campus and off school grounds and may involve student use of the District internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyber-bullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property; or
- Interfering with a student’s educational performance and/or denying or limiting a student’s ability to participate in or to receive benefits, services or opportunities in the school’s programs.

“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 (Education Law §11[4] and Executive Law §292[21]).

“Discrimination” is bias based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. Sexual assault is a violation of the victim’s civil rights and is considered an act of discrimination.

“Disruptive student” means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Employee” means any person receiving compensation from the 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 (Education Law §§11[4] and 1125[3]).
“Gender” means actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

"Harassment" and "Bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) 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 emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:

a. on school property; and/or
b. at a school function; or

c. off-school property where such acts create 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.

Such conduct 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, sex or any other legally protected status.

For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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

“Hazing” is a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

a) Humiliation: socially offensive, isolating or uncooperative behaviors.

b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.

c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

“Material Incident of Bullying, Discrimination and/or Harassment” means a single verified incident or a series of related verified incidents where a student is subjected to bullying, discrimination and/or harassment 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, where such acts create 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, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee.

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; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person’s gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20t U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

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

“Possess” includes carrying something on one’s person, or having it located in one’s belongings such as book bag, locker, vehicle, or other container belonging to the person.

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

“School Bus”, otherwise referred to as “School Transportation” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation 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 (Education Law §11[1] and Vehicle and Traffic Law §142).

“School Function” means a school sponsored extracurricular event or activity (Education §11[2]).

“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 (Education Law §11[1]).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
“Sexual Violence” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including but not limited to rape, sexual assault, sexual battery, and sexual coercion. All acts of sexual violence are forms of sexual harassment covered under Title IX.

“Violent student” means a student under the age of 21 who, while on school property or at a school function:

1. Attempts to commit, commits or threatens to commit an act of violence upon a school employee, student or other person lawfully on school property or at a school function.

2. Possesses a weapon.

3. Displays what appears to be a weapon.

4. Threatens to use a weapon.

5. Knowingly and intentionally damages or destroys the personal property of any student, school employee or any person lawfully on school property or at a school function.

6. Knowingly and intentionally damages or destroys school District property.

“Weapon” means a firearm 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, pocket, pen or other knife, look alike fake weapon, or other device, instrument, material, or substance (“Other Item”) that can cause serious physical injury or death, or when such Other Item is brandished as a weapon.

IV. DIGNITY ACT COORDINATORS – 2015-16 School Year

Prevention is the cornerstone of the District’s effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the Board will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). These individuals shall 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, sex or any other legally protected status.
The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- Professional development for staff members;
- The complaint process; and
- Management of the Dignity Act’s civility curriculum components.

The District’s designated Dignity Act Coordinators are:

**ESY – Summer School**
Mr. Richard Boerman  
Phone: 585-249-5717  
Email: rboerman@penfield.edu

**Indian Landing Elementary School**
Tessa Greeno  
Phone: 585-249-6405  
Email: tgreeno@penfield.edu  
702 N. Landing Rd.  
Rochester, NY 14625

**District Coordinator**
Mr. James Peiffer  
Phone: 585-249-5708  
Email: jpeiffer@penfield.edu  
PO Box 900  
Penfield, NY 14526

**Scribner Elementary School**
Ms. Meg Matteson  
Phone: 585-249-6405  
E-mail: mmatteson@penfield.edu  
1750 Scribner Rd.  
Penfield, NY 14526

**Cobbles Elementary**
Ms. Michelle Smith  
Phone: 585-249-6506  
Email: msmith@penfield.edu  
140 Gebhardt Rd.  
Penfield, NY 14526

**Bay Trail Middle School**
Mr. Joseph Kruger  
Phone: 585—249-6479  
Email: jkruger@penfield.edu  
1760 Scribner Road  
Penfield, NY 14526

**Harris Hill Elementary School**
Ms. Kristen Brolsma  
Phone: 585-249-6919  
Email: kbrolsma@penfield.edu  
2126 Penfield Rd.  
Penfield, NY 14526

**Penfield High School**
Ms. Kathryn Shay  
Phone: 585-249-6708  
Email: kshay@penfield.edu  
25 High School Drive  
Penfield, NY 14526

V. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

Every student has the right to attend a safe, healthy, orderly and civil school environment safeguarding the rights given all students under state and federal law.

With every right comes a responsibility.
**It is the student’s right:**

1) To attend school in the District in which one’s parent or legal guardian resides.

2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.

3) To be respected as an individual.

4) To express one’s opinions verbally or in writing.

5) To dress in such a way as to express one’s personality.

6) To be afforded equal and appropriate educational opportunities.

7) To take part in all school activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

8) To have access to relevant and objective information concerning drug and alcohol abuse, and resources for victims of sexual violence as well as access to individuals or agencies capable of

**It is the student’s responsibility:**

→ To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible

→ To be aware of all rules and expectations regulating student’s behavior and conduct oneself in accordance with these guidelines.

→ To respect one another and to treat others in the manner that one would want to be treated.

→ To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.

→ To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.

→ To be aware of available educational programs in order to use and develop one’s capabilities to their maximum.

→ To work to the best of one’s ability in all academic and extracurricular activities, as well as being fair and supportive of others; and to report incidents of discrimination, harassment and bullying that are experienced or witnessed to the Building Administrator and Dignity Act Coordinator in a timely manner.

→ To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
providing direct assistance to students with serious personal problems.

9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, disability or any other legally protected status, by employees or students on school property or at a school-sponsored event, function or activity.

→ To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

VI. ESSENTIAL PARTNERS

All essential partners of the school community are entitled to expect proper regard for their rights and welfare.

A. Parents

All parents are expected to:

- Strengthen students’ self-concept and promote confidence to learn by maintaining and supporting an environment of mutual respect and dignity for students, parents, support staff, administrators and teachers.

- Recognize that the education of their child is a joint responsibility of the parents and the school community and use open communication to that end.

- Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy (#7110). Ensure that children attend school regularly and on time and that absences are excused.

- Insist their children be dressed and groomed in a manner consistent with the student dress code.

- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

- Know school rules and help their children understand them to maintain a safe, orderly environment in accordance with the District Code of Conduct.
• Convey to their children a supportive attitude toward education and the District.
• Build good relationships with teachers, other parents and their children’s friends.
• Provide a place for study and ensure homework assignments are completed.
• Work with our schools to maintain open and respectful communication.
• Help their children deal effectively with peer pressure. Promote and encourage dealing with peer aggression and relationships in positive ways.
• Inform school officials of changes in the home situation that may affect student conduct or performance.
• Lead by example, by conducting themselves in a professional, respectful and courteous manner.
• Maintain an environment 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, sex or any other legally protected status, which will strengthen students’ confidence and promote learning.
• Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status, which will strengthen the child’s confidence and promote learning in accordance with the Dignity for All Students Act.

B. Teachers and Support Staff

All District teachers and support staff are expected to:

• Maintain an environment 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, sex or any other legally protected status, which will strengthen students’ self-concept and confidence, and promote learning.

• Strengthen students’ self-concept and promote confidence to learn by maintaining an environment of mutual respect and dignity for students, parents, support staff, administrators, and teachers.

• Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
• Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

• Report incidents of discrimination and harassment that are witnessed or otherwise brought to the teacher’s or staff member’s attention to the Building Administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

• Promote a physically and emotionally safe, orderly and stimulating school environment.

• Prepare appropriate lessons that promote active teaching and learning.

• Demonstrate interest in teaching and concern for student achievement in and outside the classroom.

• Know school policies and rules, follow them and enforce them in a fair and consistent manner.

• Communicate to students and/or parents:
  • Course objectives and requirements
  • Marking/grading procedures
  • Assignment deadlines
  • Expectations for students
  • Classroom discipline plan.

• Communicate regularly with students, parents, administrators, support personnel and other teachers concerning student growth and achievement.

• Lead by example; conducting themselves in a professional, respectful and courteous manner.

• Promote and encourage dealing with peer aggression and relationships in positive ways.

C. Counselors/Mental Health Professionals

Mental Health Professionals are expected to:

• Strengthen students’ self-concept and promote confidence to learn by maintaining an environment of mutual respect and dignity for students, parents, support staff, administrators, and teachers.
- Maintain an environment 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, sex or any other legally protected status, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students’ self-concept and confidence, and promote learning.

- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health and well-being or safety of any student, school employee or any person who is lawfully on school property or at a school function.

- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

- Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor’s attention to the Building Administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

- Assist students in coping with peer pressure and emerging personal, social and emotional problems.

- Initiate teacher/student/counselor conferences and parent / teacher / student / counselor conferences, as necessary, as a way to resolve problems.

- Counselors grades 7-12 at least annually review with students their educational progress and career plans.

- Counselors will make available information to assist students with career planning.

- Encourage students to benefit from the curriculum and extracurricular programs.

- Lead by example; by conducting themselves in a professional, respectful and courteous manner.

- Promote and encourage dealing with peer aggression and relationships in positive ways.

D. Administrators

All administrators are expected to:

- Evaluate all instructional programs on a regular basis.
• Enforce the Code of Conduct on a case by case basis which takes into account:
  • Student's chronological and developmental age.
  • Nature of the misbehavior and the circumstances surrounding it.
  • Effectiveness of previously tried intervention strategies.
  • Information from parents, teachers and /or others as appropriate.
  • Impact of a disability or suspected disability on patterns of behavior.
  • Other variables and/or circumstances that would assist in or influence a fair decision process.

• Create and develop standards that address circumstances that may not be covered by the Code of Conduct.

• Refer a student to the Building Team for review, counseling and /or intervention by appropriate support staff.

• Refer students with extensive, consistently warranted and documented behavior concerns and needs to the District Committee on Special Education.

• Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

• Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

• Maintain and encourage an environment 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, sex or any other legally protected status, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students’ self-image, self-concept, and promote confidence to learn

• Report incidents of discrimination and harassment to the Building Administrator and/or DAC that are witnessed or otherwise brought to an administrator’s attention in a timely manner.

• Promote a physically and emotionally safe, orderly and stimulating school environment, supporting active teaching and learning.

• Ensure that students, staff and parents have the opportunity to communicate regularly with the administrators and approach the administration for redress of grievances.
• Support the development of and student participation in extracurricular activities.

• Be responsible for enforcing the Code of Conduct and ensure that all cases are resolved promptly and fairly.

• Lead by example; by conducting themselves in a professional, respectful and courteous manner.

• Promote and encourage dealing with peer aggression and relationships in positive ways.

• Remove from school for the balance of an instructional day or longer, any student who threatens the philosophy and practices of the school community.

• Put into action detention and in/out-of-school suspension as indicated to change behavior, set example of consequences, and for the physical and psychological safety of all members of the school community.

• Recommend students with extensive, consistently warranted and documented need for alternative educational placement in programs either in or out of the District.

E. Superintendent

The Superintendent is expected to:

• Maintain an environment 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, sex or any other legally protected status, which will strengthen students’ confidence and self-concept, and promote learning.

Strengthen students’ self-concept and promote confidence to learn thereby maintaining an environment of mutual respect and dignity for students, parents, support staff, administrators, and teachers.

• Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

• Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

• Report incidents of discrimination and harassment to the Building Administrator and/or DAC that are witnessed or otherwise brought to the Superintendent’s attention in a timely manner.
• Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

• Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

• Inform the Board about educational trends.

• Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

• Work with District Administrators to enforce the Code of Conduct and ensure all cases are resolved promptly and fairly.

• Lead by example; by conducting him/herself in a professional, respectful and courteous manner.

• Promote and encourage dealing with peer aggression and relationships in positive ways.

F. Board of Education

Members of the Board of Education are expected to:

• Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

• Maintain an environment 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, sex or any other legally protected status, which will strengthen students’ confidence and self-concept, and promote learning.

• Strengthen students’ self-concept and promote confidence to learn thereby maintaining an environment of mutual respect and dignity for students, parents, support staff, administrators, and teachers.

• Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

• Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment to the Building Administrator and/or DAC that are witnessed or otherwise brought to a Board member’s attention in a timely manner.

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.

- Adopt and review at least annually the District’s Code of Conduct to evaluate the Code’s effectiveness and the fairness and consistency of its implementation.

- Lead by example; by conducting themselves in a professional, respectful and courteous manner.

- Promote and encourage dealing with peer aggression and relationships in positive ways.

- Provide the support necessary for the development and implementation of strong programs.

- Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator 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, sex and any other legally protected status. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

VII. STUDENT DRESS CODE

The responsibility for student dress and general appearance rests with individual students and parents. However, the Board of Education requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process. The Board of Education also requires students to wear appropriate protective gear in certain classes (e.g., home and careers, science and/or technology labs, physical education).

The Board of Education prohibits attire or appearance bearing an expression or insignia which is obscene or libelous, or which advocates discrimination and harassment including, but not limited to, an individual’s actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, disability, sexual orientation, gender identity, sex or any other legally protected status. In addition, clothing that suggests profanity, is sexually explicit, or promotes the use of drugs, alcohol or tobacco
will not be permitted. Accessories or items that may cause a distraction or danger are also prohibited.

The Superintendent of Schools and other administrative personnel shall have the authority to require a student to change his or her attire should it be deemed inappropriate according to the above guidelines.

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

Students who violate the 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.

A student's dress, grooming and appearance shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Not include extremely brief garments and/or see-through garments. (Extremely brief garments may include, but are not limited to, the following: spaghetti straps, tube tops, halter tops, and corsets.
- Not include garments that expose the midriff or back.
- Not include low riding pants or other attire that exposes undergarments.
- Include appropriate footwear at all times.
- Not include items that are vulgar, obscene, libelous or that denigrate others' race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

The following further delineates what is considered inappropriate clothing for school:

- Tops that expose the shoulders or back without a sleeved shirt underneath.
- Spaghetti strap or backless tops.
• Scoop neck or V-neck clothing that reveals the bust.

• Skin-tight or spandex-type sports clothing during the school day.

• Bare feet.

In addition:

• Shirts and blouses should be buttoned so as not to be revealing or show the midriff.

• The hem of shorts, skorts, culottes, skirts and dresses should extend to the finger tips when the student is standing.

VIII. PROHIBITED STUDENT CONDUCT

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

Students may be subject to disciplinary action, up to and including suspension from school when rules of the Code of Conduct are broken. The rules of conduct below are intended to provide examples of behaviors that jeopardize the District’s focus on safety and respect for the rights and property of others. Individuals or groups 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.

A. Engage in conduct that is disorderly and disruptive. Examples of disorderly conduct include:

1. Using language or gestures that are profane, lewd, vulgar or abusive.

2. Engaging in any willful act that disrupts the normal operation of the school community.

3. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. In addition, students who are suspended from school are not permitted to be on school grounds or at school related activities during the period of suspension.

4. Entering any portion of the school premises without authorization or remaining in the building after it is normally closed.
5. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District’s acceptable use policy. (Policy # 7314)

6. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with the reasonable behavior management directions of teachers, school administrators or other school employees in charge of students.

2. Demonstrating disrespectful behavior toward school employees in charge of students.

3. Lateness for, missing or leaving school without permission.

4. Not serving an assigned consequence.

C. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing an act of violence, including sexual violence, or attempting to do so (including but not limited to hitting, kicking, punching, and scratching) upon a teacher, administrator, other school employee, student or other person lawfully on school property.

2. 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.

3. Displaying a weapon*.

4. Threatening to use any weapon*.

5. Possessing any instrument that has the potential for causing harm to others.

6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.

7. Intentionally damaging or destroying School District property.
8. "Weapons, as defined by the New York State Education Department in the Glossary of Terms Used in Reporting Violent and Disruptive Incidents, include the following:
   
a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;
   
b. a switchblade knife, gravity knife, spetsnaz ballistic knife/pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
   
c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
   
d. a sandbag or sandclub;
   
e. a sling shot or slungshot;
   
f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nunchuck, or shirken;
   
g. an explosive, including, but not limited to, a firecracker or other fireworks;
   
h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
   
i. an imitation gun;
   
j. loaded or blank cartridges or other ammunition; or
   
k. any other deadly or dangerous instrument.

D. Engage in or prepare to engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Engaging in misconduct while on a school bus. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

2. Stealing the property of the Penfield Central School District, other students, school personnel or any other person lawfully on school property or attending a school function.

3. Accessing, without permission, the property of the Penfield Central School District, other students, school personnel or any other person lawfully on school property or attending a school function.
4. Defamation, which includes, but is not limited to, making false or defamatory statements or representations about an individual or identifiable group of individuals that harms the reputation of the person or the identifiable group by demeaning them.

5. Discrimination, as defined above.

6. Harassment or bullying, as defined above. Panhandling is also considered to be a form of harassment.

7. Cyber-bullying, as defined above, which includes, but is not limited to, inflicting willful or repeated harm through the use of electronic media.

8. Intimidation, which includes, but is not limited to, engaging in actions or statements that put an individual in fear of harm.

9. Hazing as defined above.

10. Selling, using or possessing obscene material.

11. Using vulgar or abusive language, cursing or swearing.

12. Possessing or smoking a cigarette, cigar, pipe, electronic cigarette, personal vaporizer, or electronic nicotine delivery system, including the liquid, or using chewing or smokeless tobacco.

13. Possessing a fire starting device such as matches or a lighter, incendiary, or explosive devices.

14. Possessing or being in the presence of, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Being in the presence of” is defined as: having the knowledge that alcohol or other drugs are present, having the means/opportunity to remove themselves, and choosing not to leave. “Illegal substances” include, but are not limited to, liquids, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-a-like drugs, synthetic cannabinoids and any substances commonly referred to as “designer drugs.”

15. Possessing drug-related paraphernalia.

16. Inappropriately possessing, using, or sharing prescription and/or over-the-counter drugs.

17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, discharging a fire extinguisher.
18. Tampering with fire alarms, security cameras, light switches or other electronic and/or security systems of the school.

19. Dishonesty – including intentionally misrepresenting or omitting facts when questioned.

20. Engaging in any form of academic misconduct. Examples of academic misconduct include: plagiarism, cheating, copying, altering records or documents, and/or assisting another in any of the above actions.

21. Violating the traffic laws, parking regulations or other restrictions on motor vehicles.

22. Gambling.

23. Inciting others to commit any of the acts prohibited by the Code of Conduct.

IX. Violations of the Criminal Code

This school is a place where other students, District personnel and other members of the school community have a right to feel safe from verbal or physical attack, and acts of prejudice and discrimination. Any violation of criminal code including, but not limited to, the following will result in referral to the appropriate law enforcement agency.

- Threat to, or intimidation of, any staff members or students
- Sexual misconduct
- Gambling
- Extortion
- Forgery
- Arson
- Bomb Threat
- False reporting to 911
- Possession, sale or use of a weapon
- Possession, sale, manufacture or use of drugs or alcohol
- Possession, sale or use of fireworks or other substance that endangers the health and safety of students and/or staff
- Assault on a staff member or student
- Vandalism (District may seek restitution)
- Cyberbullying
- Hate crimes

X. Reporting Violations
All students must promptly report violations of the Code of Conduct to a School District employee. All school employees are required to report violations of the Code of Conduct to the Building Principal or his/her designee.

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

Any weapon, alcohol, medication or illegal substance found shall, if possible, be confiscated immediately, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The Building Principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his or her designee learns of the violation. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

A. Reporting Discrimination, Harassment and Bullying

The School Principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee, or anonymously using the District’s on-line reporting system. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyber-bullying behavior) shall document and take timely and appropriate action to address the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one
school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the School Principal shall lead or supervise a thorough investigation of the alleged harassing, bullying, discriminatory, and/or retaliatory conduct. The Principal or the Principal’s designee shall ensure that such investigation is completed promptly and investigated in accordance with the terms of District policy. All complaints shall be investigated in confidence to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the District’s Code of Conduct or a material incident of harassment, bullying and discrimination has occurred, immediate corrective action will be taken as warrants. Prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed will be taken.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student’s behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student’s behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the Principal is the alleged offender, the report will be directed to the Superintendent of Schools.

All complaints of alleged harassing, bullying, discriminatory, and/or retaliatory conduct shall be:

1. promptly investigated in accordance with the terms of District policy;
2. forwarded to the school building’s Dignity Act Coordinator for monitoring; and
3. treated as confidential and private to the extent possible within legal constraints.

The Principal must notify promptly the Superintendent of Schools and the appropriate local law enforcement agency when he/she believes that any harassment, bullying or discrimination constitutes criminal conduct.

B. Reporting Violations of the Code of Conduct
Any teacher, administrator, employee, Board of Education member, or other person may report a violation of the student disciplinary code to the Building Principal or his or her designee. The Principal may then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding, and/or make a referral to the Committee on Special Education, as deemed necessary.

When discipline administered by a classroom teacher does not result in acceptable student behavior, the teacher should file a written report with the Building Principal.

Depending on the severity of the matter, the Building Principal may take any of the following actions:

1. Initial Infraction: Conference with Building Principal and teacher concerned;
2. Repeated Referral: conference with Principal and student;
3. Conference with Building Principal, teacher, student and student’s parent/guardian;
4. Suspension: If the severity of the situation warrants, or the student is a habitual offender, the school authorities may suspend the student(s) involved.

**XI. DISCIPLINARY PROCEDURES AND CONSEQUENCES**

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 student’s 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 consequences will consider the following when making the determination:

- The student’s age.
- The nature of the offense and the circumstances that led to the offense.
- The student’s prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.

In order to ensure the effectiveness of this student discipline Code, the Board of Education requests the continuing assistance of parent(s) or guardian(s) in explaining and enforcing the Code.

**A. Disciplinary and Remedial Consequences**
A range of consequences may be imposed for violations of the student disciplinary Code of Conduct. The following list of possible consequences are advisory and, as a general rule, are progressive. For example, a student’s first violation will usually merit a lighter consequence than subsequent violations; however, the District may impose any level of consequence, even for a first violation, that is proportionate to the misconduct at issue.

Violations may subject the student to one or more of the following:

1. Verbal warning;
2. Written warning;
3. Written notification to parent(s) or guardian(s);
4. Conference;
5. Probation;
6. Closely monitored behavioral management plans with benchmarks;
7. Detention;
8. Suspension from transportation;
9. Suspension from athletic participation;
10. Suspension from social or extracurricular activities;
11. Suspension of other privileges;
12. Exclusion from a particular class or area;
13. In-School Suspension;
14. Involuntary Transfer;
15. Restricted Study Hall;
16. Saturday School;
17. Suspension not in excess of 5 days;
18. Suspension in excess of 5 days pending Superintendent’s Hearing; Permanent Suspension;
19. Peer support groups; corrective instruction or other relevant learning or service experience;
20. Supportive intervention;
21. Behavioral assessment or evaluation;
22. Counseling and parent conferences.

Beyond these responses, school-wide or environmental remediation may also be utilized. These strategies may include, but are not limited to:

- school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- adoption of research-based prevention programs;
- modification of schedules;
- adjustment in hallway traffic and other student routes of travel;
- targeted use of monitors;
- staff professional development;
- parent conferences;
- involvement of parent-teacher organizations; and/or
• peer support groups.

B. Disciplinary Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence. Students who are to be given consequences other than an oral warning, written warning, detention or written notification to their parents are entitled to additional rights before the consequence is imposed. These additional rights are explained below.

1. 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 building principal’s attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student’s parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student’s education. 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 the principal’s designee to discuss the conduct and the consequence involved.

2. Suspension from athletic participation, extracurricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the consequence involved. In addition, more specific information regarding the Athletic Code of Conduct is found in this Code of Conduct.

3. In-school suspension

The Board recognizes 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, associate
principals, assistant principals, and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “in-school suspension.” A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension to discuss the conduct and the consequence involved.

4. Teacher disciplinary removal of disruptive students

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. Classroom management practices may include, but are not limited to:

a. short-term “time out” in an alternative setting;

b. sending a student to the Building Administrator’s office for the remainder of the class time only; or

c. sending a student to a Mental Health Professional or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student’s behavior may disrupt classroom learning. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s reasonable instructions or repeatedly violates the teacher’s classroom behavior rules in a manner which prevents others from learning. A classroom teacher may remove a disruptive student from class for up to the equivalent of two class days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. This discussion will be conducted privately if at all possible and in a manner that de-escalates the situation.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom, and give the student a chance to present his or her version of the relevant events within 24 hours of the removal.
The teacher shall contact the student’s parent within 24 hours of any removal.

Written notice of conversations between the teacher and student and the teacher and parent, including attempts to reach parents, shall be given to the student’s administrator.

The Principal shall notify the parents within 24 hours:

- About the reasons for the removal;
- The availability of an informal conference with the teacher and the Building Administrator.

The teacher will provide a District-established disciplinary removal referral no later than the end of the school day of the removal to the student’s administrator.

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

The Building Administrator or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Building Administrator makes a final determination, or the period of removal expires, whichever is less.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Building Administrator or his/her designee that the removal will not violate the student's rights under state or federal law or regulation.

5. Suspension from school

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

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 and refer a violent student to the principal or the superintendent as a violation of the Code of Conduct.

All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member witnessing the violation of the Code of Conduct.

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

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

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation 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 notice within 24 hours of the decision to propose suspension at the last known address for the parents.

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 parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process.

If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension is imposed as is reasonably practicable.
After the conference, the principal shall promptly advise the parents in writing of his or her decision.

The principal/superintendent shall advise the parents that if they are not satisfied with the decision of the principal and/or superintendent and wish to pursue the matter, they must file a written appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education. Request for appeal must be filed in writing to the District Clerk within 30 days of the principal and/or superintendent’s decision.

The Board of Education shall issue a written decision regarding the appeal within 10 business days of receiving the appeal.

Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

When the superintendent or building principal 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. Reasonable notice: more than 24 hours. Notice shall include charges against the student.

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 can, in his/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 within 24 hours of the hearing.

The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

The principal/superintendent shall advise the parents that if they are not satisfied with the decision of the principal and/or superintendent and wish to pursue the
matter, they must file a written appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education. Request for appeal must be filed in writing to the District Clerk within 30 days of the principal and/or superintendent’s decision.

The Board of Education shall issue a written decision regarding the appeal within 10 business days of receiving the appeal.

The Board may adopt in whole or in part the decision of the superintendent.

Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension (expulsion)

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

C. Minimum Periods of Suspension

Note: All of the violations listed as follows may warrant more than the minimum consequences stated here. Project SAVE Legislation requires that each District state the absolute minimum consequences for certain behaviors and then “build” from that baseline.

1. Students who bring a weapon to school.

Any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb, or other dangerous weapon or instrument that appears capable of causing physical injury or death onto school property or to a school function will be subject to suspension from school for at least one calendar year. Students will also be reported to the appropriate law enforcement agency. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the superintendent may consider the following:

a. The student’s age.

b. The student’s grade level in school.

c. The student’s prior disciplinary record.

d. Other extenuating circumstances.
e. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. 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.

Such acts include but are not limited to:

a.) Committing acts of violence on a staff member, student or authorized visitor.

b.) Threatening to use a weapon.

c.) Intentionally and knowingly damaging personal or District property.

If the proposed consequence is the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

If the proposed consequence exceeds the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher’s authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom will be suspended from school for at least five days.

For purposes of this Code of Conduct, “repeatedly is substantially disruptive” means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester.

If the proposed consequence is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.
If the proposed consequence exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

4. Students who are in possession of, distributing, selling or under the influence of drugs, synthetic drugs, or alcohol, or are in possession of drug paraphernalia.

Any student, other than a student with a disability, who is in possession of, distributing, selling or under the influence of drugs or alcohol will be suspended from school for at least five days.

If the proposed consequence is the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.

If the proposed consequence exceeds the minimum five-day suspension, the student and the student’s parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The counseling offices shall handle all referrals of students to counseling. Counselors, and mental health professionals (psychologists and social workers) will work with parents throughout the process to assist them in meeting the student’s needs.

2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
b. Engaging in an ongoing or continual course of conduct which makes the student incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of the school.

c. Knowingly and unlawfully possesses drugs and alcohol in violation of Penal Law § 221.05, and/or violates § 230.00 or § 240.37 of the Penal Law. A single violation of § 221.05, § 230.00 or § 240.37 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The superintendent or his/her designee is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

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

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

E. Classroom Concerns

- Any questions or concerns should first be communicated directly from the student or parent to the teacher. If issues remain unresolved, parents should contact the student’s school counselor.
- School Counselor will work directly with student to:
  - Help student identify and articulate concerns and/or needs.
  - Help student gain skills to discuss questions and/or concerns with teacher.
- Counselor may facilitate a meeting with student and teacher (or student and parent and teacher) for:
  - Interpersonal issues or a conflict between student and teacher that may require mediation.
  - Developing strategies to improve student performance.
- Counselor may refer student and/or parent to department chairperson or administrator.

F. Cheating and Plagiarism

- Cheating includes: dishonest conduct before an examination, dishonest conduct during an examination, dishonest conduct after an examination, copying homework from another student, allowing your homework to be copied by another student or using unapproved electronic media.
• Plagiarism is a particular form of cheating involved in the preparation of any assignment (essay, research paper, photographic, art or music display, etc.). It is the use of anyone else’s work without giving proper credit and, in so doing, attempting to represent it as one’s own.

• Students found engaged in cheating or plagiarism, receive a grade of zero on that particular examination or assignment and their parents, administrator and school counselor will be contacted immediately by the teacher. It is important to note that this zero could lead to the failure of a course and even failure to graduate. Cheating on Regents examination will result in the cancellation of the student’s examination. A student could be excluded from any subsequent Regents Examinations. Incidents of cheating/plagiarism may also result in disciplinary action.

• Forgery of bus passes, notes from home, hall passes or any other document is prohibited.

XII. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative means of instruction for the student.

XIII. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply:

   A “suspension” means a suspension pursuant to Education Law § 3214.
A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

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

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

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines 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 days for each separate incident, 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 conduct that poses a risk of harm to the student or others, and/or the student has inflicted serious bodily injury upon another person while at school or a school function, even if the behavior triggering the placement was a manifestation of the student’s disability.
(1) “Weapon” includes any rifle, shotgun, pistol, revolver, other firearm, knife, dangerous chemical, explosive, or any object which is not necessary for school activities and which could be used as a weapon. A weapon is defined as any instrument capable of firing a projectile, the frame or receiver of any such weapon, a firearm muffler or silencer, any experimental device, or any other instrument capable of intended for inflicting bodily harm. “Controlled substance” means a drug or other substance identified in certain provisions of federal law.

(2) Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

(3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

(4) “Serious bodily injury” means bodily injury which involves a substantial risk or death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer appointed pursuant to Education Law §4404(i) may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

   a. for more than 10 consecutive school days; or

   b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals, and because of such factors as: the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.

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

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

1. The District’s Committee on Special Education shall:
   a. Conduct functional behavioral assessments to determine why the 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, serious bodily injury, illegal drugs or controlled substances.

   If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is 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.

   b. Conduct a manifestation determination review of the relationship between the student’s disability and the behavior subject to disciplinary action whenever a decision may be made to suspend a student beyond 10 days in a given school year constituting a disciplinary change in placement.

2. The parents 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 a disability for discipline purposes.

   a. The superintendent, building principal or other school official 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;

2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. 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;

3) the parent of the student has not allowed an evaluation of the student; or

4) the parent of the student has refused services.

3. The District shall provide parents with notice of suspension/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 that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a consequence phase in accordance with the procedures set forth in the Commissioner’s regulations incorporated into this code.

6. 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.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

   a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.

   b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

      1) During the pendency of an 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 the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in
no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA 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 or his/her designee 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 whom a crime is reported.

XIV. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.

2. Protect the property of the school or others.

3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts. The District will file all incidents of corporal punishment with the Commissioner of Education in accordance with Commissioner’s regulations.

XV. Student Searches, Interrogations, and Sobriety Screening

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To that end, 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 of Conduct.

In addition, the Board authorizes the Superintendent and Building Administrators to conduct searches of students and their belongings and administer sobriety screenings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct.
Students are not entitled to "Miranda"-type warnings prior to being questioned by school officials, nor are school officials required to contact a student’s parent before questioning the student. However, school officials will inform all students of the reason for the questioning.

The Superintendent or Building Principal may delegate another employee to perform a search of a person or their belongings (i.e. coach, field trip advisor, or overnight trip advisor may need to search a person or their belongings to ensure the safety of those on the team or trip).

An authorized school official (listed above) may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student’s belongings, or vehicle parked on school property, based upon information received from a reliable informant.

District employees will be considered reliable informants.

Before searching a student or the student’s belongings or vehicle parked on school property, the authorized school official should ask the student if he or she possesses physical evidence that he/she violated the law or the District Code, and/or ask the student to voluntarily consent to the search.

Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices.

A. Student Lockers, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, electronic files and other school storage. 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, computer files and other school storage may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Protocol to administrating an Alco sensor test to a student is as follows:

(1) Any student who denies use of alcohol but is displaying noticeable impairment (e.g., slurring of words, staggering, stumbling, or unusual difficulty with coordination, smelling like alcohol,) shall be escorted to the nurse's office when available by appropriate school personnel immediately. Parents will be contacted immediately and permission to administer an Alco sensor test obtained. In the case involving a parent who is
unreachable, where medical safety is in doubt, the Alco sensor may be administered with student consent.

(2) The test will be administered in the company of at least one other school employee, school nurse, teacher, and/or administrator.

(3) After this examination, if reasonable suspicion exists, the administrator will contact the parent and drug/alcohol policy will be enforced.

(4) Students who are found to have violated the School Board policy for alcohol and other drug violations will be subject to appropriate disciplinary action based upon the circumstances of the violation.

C. Documentation of Searches

Authorized school officials conducting a search shall be responsible for promptly recording the following information about each search:

(1) Name, age and grade of student searched.
(2) Reasons for the search.
(3) Name of any informant(s). This information will be kept confidential.
(4) Purpose of search (that is, what item(s) were being sought).
(5) Type and scope of search.
(6) Person conducting search and his or her title and position.
(7) Witnesses, if any, to the search.
(8) Time and location of search.
(9) Results of search (that is, what item(s) were found).
(10) Disposition of items found.
(11) Time, manner and results of parental notification.

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

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:
• A search or an arrest warrant; or
• Probable cause to believe a crime has been committed on school property or at a school function; or
• Been invited by school officials.

Before police officials are permitted to question or search any student under the age of 16, the Building Administrator or his or her designee or a police official shall first try to notify the student’s parent(s)/guardian(s) to give the parent(s)/guardian(s) the opportunity to be present during the police questioning or search. The Building Administrator or designee will be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

E. Child Protective Services Investigations

Consistent with the District’s commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local child protective services workers who 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 Building Administrator or his or her designee. The Building Administrator or his or her designee shall set the time and place of the interview. The Building Administrator or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview.

F. Sexual Harassment Investigations

The Building Principal will conduct a full investigation of the complaint as soon as practicable even if a student or his/her parent does not want to file a complaint or does not request that the school take any action on the student’s behalf.

• Every complainant will be provided the right to present his/her case including the right to adequate, reliable and impartial investigation of complaints, the right to have an equal opportunity to present witnesses and other evidence, and the right to the same appeal processes for both parties.
Every complainant will be afforded the right to be notified of the time frame within which: a) the school will conduct a full investigation of the complaint; b) the parties will be notified of the outcome of the complaint; and c) the parties may file an appeal, if applicable.

Every complainant has the right for the complaint to be decided using the preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred).

Every complainant has the right to be notified, in writing, of the outcome of the complaint.

Although grievance procedures may include voluntary informal methods (e.g., mediation) for resolving some types of sexual harassment complaints, complainants must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process.

Complainants will be notified that criminal investigation will not relieve the school from its duty under Title IX to resolve complaints promptly and equitably.

XVI. Visitors to Schools and Public Conduct

The Building Administrator or his or her designee is responsible for all persons visiting the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Any person who is not a 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 Building Administrator or the security station upon arrival at the school. There they will be required to complete the visitor registration protocol and will be issued a visitor’s identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Building Administrator’s office or the security station before leaving the building.

3. Visitors attending after school hours functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

4. Parents who wish to observe a classroom while school is in session are required to arrange such visits in advance and with the approval of the Building Administrator.

5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Building Administrator or his or her designee. 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 of Conduct and these accompanying rules and regulations.

A. 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. For purposes of this section of the Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and District personnel, parents and guests.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

B. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure or detain any person or threaten to do so.

2. Intentionally damage or destroy School District property including graffiti or arson or vandalism or the personal property of a student, teacher, administrator, other District employee or any person lawfully on school property.

3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass, threaten or discriminate against any person on the basis of a person’s actual or perceived race, color, weight, national origin, ethnic group,
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

7. Obstruct the free movement of any person in any place to which this code applies.

8. Violate the traffic laws, parking regulations or other restrictions on vehicles.

9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or synthetic cannabinoids or be under the influence of alcoholic beverages, controlled substances, or synthetic cannabinoids on school property or at a school function.

10. Smoke or use other tobacco products including electronic cigarettes, personal vaporizers or electronic nicotine delivery systems, including the liquid.

11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.

12. Loiter on or about school property.

13. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this Code.

15. Commit acts which threaten the safety and welfare of persons on school property.

16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

C. Consequences

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

1. Visitors’ authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection or to intervention by law enforcement personnel.

2. Students shall be subject to disciplinary action as the facts may warrant, in accordance with any due process requirements.
3. Employees shall be subject to disciplinary action in accordance with applicable legal rights.

4. The District may initiate disciplinary action against any student or staff member, or visitor as appropriate. The District reserves its right to pursue a civil or criminal legal action against any person violating the Code.

D. Enforcement

Building Administrators or his or her designee, including activity and event chaperones or supervisors, shall be responsible for enforcing the conduct required by this Code.

When the Building Principal or his or her 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 or his or her designee shall tell the individual that the conduct is prohibited and will direct the individual to stop. The Principal or his or her designee shall also warn the individual of the consequences for failing to stop.

If the person refuses to stop engaging in the prohibited conduct, or if the person’s conduct poses an immediate threat of injury to persons or property, the Principal or his or her designee shall have the individual removed immediately from school property or the school function.

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

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

XVII. Acceptable and Safe Uses of District Electronic Information, Services, and Networks

1. Purpose

The purpose of this policy is to set forth guidelines for acceptable and safe uses of District electronic information, services and networks. Electronic technologies include but are not limited to; computers, wireless networks, telephones, applications, file storage, and District provided services available through Internet or Intranet connections.

2. General Statement of Policy
Penfield Central School District provides technology resources to its students for educational and informational purposes only. The District’s goal in providing these resources is to promote educational growth by facilitating resource sharing, innovation and collaboration with the support and supervision of parents, teachers, and support staff.

Due to the possibility of theft, misuse, and distraction within the classroom and school building, students are strongly discouraged from bringing any electronic equipment to school. This includes, but is not limited to cell phones, radios, pagers, video cameras, laser lights and digital cameras. The school will assume no responsibility for the loss, damage, or theft of electronic equipment.

Students using electronic resources are responsible for appropriate behavior just as they are in classrooms, other areas of the school, and on field study. Students who violate this policy and related regulations will lose access to these resources and be subject to discipline. This policy does not attempt to define all acceptable and unacceptable uses of electronic resources.

While the District will use best efforts and industry standard approaches to block or filter Internet access (Policy #8271) to comply with the Child Internet Protection Act (CIPA), it is not always possible to prevent access to all inappropriate content. Further, under no circumstances will any instances of bullying or harassment, or discrimination using any electronic resource be tolerated as outlined. Students are expected to follow all laws, policies, and rules governing computers including but not limited to copyright laws, licensing agreements, and privacy rights established under state and federal law.

All student electronic files and District storage media are considered to be District property and subject to control and inspection at any time. There is no expectation of privacy concerning any District electronic.

The Superintendent, or designee, is directed to develop the necessary regulations for the implementation of this policy. The Superintendent, or designee, may develop appropriate user notification forms, regulations, and procedures necessary to implement this policy.

XVIII. EXTRA-CURRICULAR AND ATHLETIC CODE OF CONDUCT

The Extracurricular and Athletic Code of Conduct is regulated by Board of Education Policy #7411 and exists as a separate document that is not subject to the procedures and hearing requirements as applicable to this District Code of Conduct.

The complete Extracurricular and Athletic Code of Conduct can be found on the District website in the athletic department office or from the main office.

XIX. Dissemination, In-service, and Review
A. Dissemination of the District Code of Conduct

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

1. Providing a public hearing prior to Board approval.

2. Providing or making available a summary of the Code of Conduct written in age-appropriate, plain language to all parents of District students before the beginning of the school year and making this summary available later upon request.

3. Providing or making available to all current teachers and other staff members a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

4. Providing or making available to all new employees a copy of the current Code of Conduct when they are first hired.

5. Having copies of the code available for review by students, parents and other community members.

6. The District Code of Conduct will be posted on the school District website.

B. In-Service for the Code of Conduct

The Board will provide in-service education programs for all District staff members to ensure the effective implementation of this Code, to promote a safe and supportive school climate while discouraging, among other things, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not 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, sex or any other legally protected status, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The Superintendent may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this Code: (1) School-oriented programs developed at the District and building level; (2) Superintendent's workshop days; and (3) faculty meetings.
C. Review of the Code of Conduct

Annually, the Board of Education will review this Code of Conduct and will update it as necessary. In conducting the review, the Board will consider how effective the code’s provisions have been and whether the code has been applied fairly and consistently. Before adopting any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District’s website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.