

PROJECT SAVE

CODE OF CONDUCT

WEST GENESEE SCHOOL DISTRICT

2018-2019

TABLE OF CONTENTS

- I. INTRODUCTION
- II. DEFINITIONS
- III. STUDENT RIGHTS AND RESPONSIBILITIES
- IV. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS IN EDUCATION
- V. STUDENT POLICIES & REGULATIONS
 - A. STUDENT DRESS CODE
 - B. PROHIBITED STUDENT CONDUCT
 - C. REPORTING VIOLATIONS OF THE CODE OF CONDUCT
 - D. DIGNITY FOR ALL STUDENTS
 - E. DISCIPLINARY PROCEDURES AND PENALTIES
 - F. ALTERNATIVE INSTRUCTION
 - G. DISCIPLINE OF STUDENTS WITH DISABILITIES
 - H. CORPORAL PUNISHMENT
 - I. STUDENT SEARCHES AND INTERROGATIONS
- VI. VISITORS TO SCHOOLS
- VII. PUBLIC CONDUCT ON SCHOOL PROPERTY
- VIII. PUBLICATION, DISTRIBUTION AND REVIEW

APPENDIX A RELATED BOARD OF EDUCATION POLICIES

PROJECT SAVE
CODE OF CONDUCT

I. INTRODUCTION

This document has been mandated by the Project SAVE legislation. The contents of this document are not intended to replace existing practices such as building handbooks, athletic code of conduct and the extracurricular code of conduct, etc.

A great deal of Project SAVE legislation has already been instituted in West Genesee through Board of Education Policy. All applicable policies have been referenced throughout this code of conduct. Actual Board of Education policies are referenced in Appendix A of this document.

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

West Genesee has a long-standing set of expectations for conduct on school property and at its functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, acceptance, honesty, integrity, and the belief in the educational goals of the organization.

The District recognizes the need to clearly define these expectations for acceptable conduct on West Genesee property, identify the possible consequences of unacceptable behavior, and to ensure that discipline is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“code”).

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

II. DEFINITIONS

For purposes of this code, the following definitions apply.

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

“West Genesee property” means in or within any building, structure, play area, parking lot or land contained within the real property boundary line of a West Genesee facility, or in or on a school bus, as defined in Vehicle and Traffic Law §142.5

“West Genesee function” means any West Genesee-sponsored event or activity.

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

“Violent student” means a student who may be described by any of the clauses below:

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

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

“Harassment” is defined as the “creation of a hostile environment by conduct or verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being” (Dignity for All Students Act, NYS, 9/13/10). Harassment based on race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex may violate civil rights statutes.

“Bullying” is defined as negative acts, usually repeated over time, that are intentional and involve an imbalance of power or strength.

Three forms:

Physical: ex. hitting, punching, taking/breaking personal belongings

Emotional: ex. teasing, name calling

Social: ex. threats, gestures, social exclusion

“Cyberbullying” a type of bullying, is the use of information technology equipment “to send mean, vulgar, or threatening messages or images; posting sensitive private information about another person; pretending to be someone else in order to make that person look bad. . .”

(<http://stopbullyingnow.hrsa.gov/adults/cyber-bullying.aspx>).

This may involve the use of e-mails, instant messages, blogs, social networking sites, chat rooms, pagers, cell phones or gaming systems to deliberately harass, threaten or intimidate others.

The New York State Department of Criminal Justice Services defines “sexting” as “sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or e-mail” . .

(<http://criminaljustice.state.ny.us/missing/isafety/iintro.htm>).

III. STUDENT RIGHTS AND RESPONSIBILITIES

Student rights and responsibilities have been outlined in (**Board of Education Policy#’s 0115, 5000, 5000-R, 5020, 5020.1, 5020.1-R, 5020.1-E, 5110, 5141, 5141-R, 5141E, 5142, 5142-R, 5142-E, 5151, 5160.1, 5220, 5280, 5280-E, 5280.1, 5280.1-E, 5290.1, 5311, 5311.3, & 5311.3-R).**

A. STUDENT RIGHTS

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

1. Experience a safe, healthy, orderly and civil learning environment.
2. Take part in all West Genesee activities on an equal basis regardless of age, weight, race, religion/religious practice, color, ethnicity, gender, sexual orientation or disability.
3. Present their version of the relevant events to West Genesee personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty.
4. Access West Genesee rules and, when necessary, receive an explanation of those rules from West Genesee personnel.

B. STUDENT RESPONSIBILITIES

All West Genesee students have the responsibility to:

1. Contribute to maintaining a safe and orderly learning environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all West Genesee policies, rules and regulations dealing with student conduct.
3. Attend classes every scheduled day unless legally excused, and to be on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Ask questions when they do not understand.
6. React to direction given by teachers, administrators and other West Genesee personnel in a respectful, positive manner.
7. Work to develop mechanisms to control their anger.
8. Seek help in solving problems, for example, harassment/bullying issues.
9. Dress appropriately for class and West Genesee functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of West Genesee when participating in or attending West Genesee sponsored events and to hold themselves to the highest standards of conduct.
12. Communicate to school personnel information about serious or ongoing incidents which violate the district’s Code of Conduct.

IV. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS IN EDUCATION

A. PARENTS

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the educational community.
2. Send their children to educational programs ready to participate and learn.
3. Ensure their children attend class regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know West Genesee rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and West Genesee.
9. Build good relationships with teachers, other parents and their children's friends.
10. Inform school officials of changes in the home situation that may affect student conduct or performance.
11. Provide a place for study and ensure homework assignments are completed.
12. Help their children deal effectively with peer pressure and any issues stemming from harassment/bullying.
13. Communicate to school personnel information about serious or ongoing incidents concerning harassment/bullying.

B. TEACHERS

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know West Genesee policies and rules, and enforce them in a fair and consistent manner.
5. Communicate the following to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
6. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
7. Report any threat; possession or use of weapons as defined in "Definitions;" possession, use or distribution of illegal substances.

8. Report harassment/bullying incidents of a significant nature as outlined in “Definitions” (pg. 5).
9. Comply with the rules and guidelines set forth in policy 9125.3 regarding staff use of social media.

C. SCHOOL COUNSELORS

All School Counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems. This responsibility is shared with school psychologists, social workers and ADAPEP counselors. All school personnel in a counseling role should be available to assist students with issues relating to harassment/bullying.
2. Initiate teacher/student/counselor conferences and parent-teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Comply with the rules and guidelines set forth in policy 9125.3 regarding staff use of social media.

D. PRINCIPALS

All Principals are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, staff and parents have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Comply with the rules and guidelines set forth in policy 9125.3 regarding staff use of social media.

Dignity Act Additional Responsibilities

<u>Building</u>	<u>Dignity Act Coordinator</u>	<u>Substitute Coordinator</u>
East Hill	Lisa Craig	Todd Freeman
Onondaga Road	Jeannette Clark	Lisa Craig
Split Rock	Todd Freeman	Jeannette Clark
Stonehedge Blue	Lori Keevil	Brent Suddaby
Stonehedge Gold	Brent Suddaby	Lori Keevil
Camillus Middle	Beth Lozier	Michael McGrath
West Genesee Middle	Stephen Dunham	Michael McGrath
West Genesee High	Shannon Coholan	Maura White
West Genesee High	Tracy Klefbeck	Thomas Vaughan. Jr.
West Genesee High	Maura White	Tracy Klefbeck
West Genesee High	Thomas Vaughan, Jr.	Shannon Coholan

E. SUPERINTENDENT

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the West Genesee Board about educational trends relating to student discipline.
4. Work to promote instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
6. Comply with the rules and guidelines set forth in policy 9125.3 regarding staff use of social media.

F. ALL OTHER DISTRICT STAFF

All staff members are expected to:

1. Lead by example, and encourage our students to act in a safe, responsible, and respectful manner.
2. Comply with the rules and guidelines set forth in policy 9125.3 regarding staff use of social media.

G. BOARD OF EDUCATION

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, West Genesee safety officer and other West Genesee personnel to develop a code of conduct that clearly defines expectations for the conduct of students, West Genesee personnel and visitors on West Genesee property and at West Genesee functions.
2. Adopt the West Genesee Project SAVE code of conduct.
3. Review, on an annual basis, the West Genesee code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

V. **STUDENT POLICIES & REGULATIONS**

A. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for West Genesee programs. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other West Genesee personnel should exemplify and reinforce acceptable attire, and help students develop an understanding of appropriate appearance in the educational setting.

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize appropriateness of garments as outlined in the **building level handbook**.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats/headgear/hoods in the classroom except for a medical or religious purpose, or where it is part of a uniform.
5. Not include items that are vulgar, obscene, libelous, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation or disability.
6. Not promote and/or endorse the use of alcohol, tobacco, illegal drugs and/or encourage other illegal or violent activities.

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

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.

B. PROHIBITED STUDENT CONDUCT

West Genesee expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, West Genesee personnel and other members of the educational community, and for the care of West Genesee facilities and equipment **(Board of Education Policy #5311)**.

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

The Board recognizes the need to make its expectations for student conduct while on West Genesee property or engaged in a West Genesee sponsored function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these rules will be required to accept the penalties for their conduct. **(Board of Education Policy #0115, 5311, 5311.3, & 5311.3-R)**.

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

- I. Engage in conduct that is disorderly. Examples of disorderly conduct may include but not be limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act which disrupts the normal operation of the West Genesee community.
 6. Trespassing. Students are not permitted in any West Genesee building, other than the one they regularly attend, without permission.
 7. Computer/electronic misuse as outlined in **(Board of Education Policies #'s 0115, 4510.3, 4510.3-R, 4510.6, 4510.7, 4510.8, 4510.9, and 4510.10)**.
 8. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employees or any person on school property. Intentionally damaging or destroying school district property.
- II. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include but not limited to:
 1. Failing to comply with the directions of teachers, administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness, missing, or leaving school without permission **(Board of Education Policy #5160.1)**.
 3. Skipping detention.

- III. Engage in conduct that is disruptive. Examples of disruptive conduct may include but not limited to:
1. Failing to comply with the directions of teachers, administrators or other school personnel in charge of students.
 2. Being late for class.
 3. Being unprepared for class.
- IV. Engage in conduct that is violent. Examples of violent conduct may include but not be limited to:
1. Committing an act of violence (such as hitting, kicking, punching, biting, spitting, and scratching) upon a teacher, student, administrator or other West Genesee employee or any other person 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 West Genesee property or at a West Genesee function. "Weapon" is previously defined in Section II "Definitions" (**Board of Education Policy #5312.2**).
 3. Displaying what appears to be a weapon. Examples may include but not be limited to: squirt guns, paintball guns, toy guns, or facsimile of a weapon.
 4. Threatening to use any weapon.
 5. Arson.
- V. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct may include but not be limited to:
1. Lying to West Genesee personnel.
 2. Stealing the property of other students, West Genesee personnel or any other person on school property or attending a school function.
 3. Acts of sexual harassment as defined in the West Genesee sexual harassment policy (**Board of Education Policy #5470**).
 4. Selling, using or possessing obscene material (**Board of Education Policy #5220**). Smoking a cigarette, e-cigarette, cigar, pipe or using chewing or smokeless tobacco (**Board of Education Policy #1530 & 5480**).
 5. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" may include but not be limited to inhalants, marijuana (or synthetic cannabinoids), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs" (**Board of Education Policy #5312.1**).
 6. Using or sharing prescription and over-the-counter drugs without following school health services protocol (**Board of Education Policy #'s 5312.1, 5420, & 5420-R**).
 7. Discrimination and/or use of defamatory remarks regarding race, color, creed, national origin, religion, gender, sexual orientation or disability against any person at West Genesee (**Board of Education Policy #'s 0115, 5020, & 5220**).

8. Harassment/bullying which includes an action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning (**Board of Education Policy #0115**).
 9. Using electronic communication devices during the school day. Electronic communication devices must be turned off and out of sight in the school building during regular school hours unless otherwise approved by the principal on a building by building basis. Other than approved situations, student use of electronic communication devices during regular school is prohibited. At no time should video or photographic features be used to take pictures or videos without the permission of all parties. Student use of electronic communication devices beyond regular school hours will be allowed on a restricted basis as designated by building regulation.
Electronic communication devices shall include, but not be limited to, cellular phones of all types including those with photographic and text messaging capabilities, iPods, tablets, laptops, beepers, BlackBerries, and “walkie talkies.” The school district accepts no responsibility for lost or stolen electronic communication devices on any school property.
 10. Avoid inappropriate uses of the District’s technology resources.
 - Downloading, storing, printing, or distributing files or messages that are profane, obscene, threatening, or that use language that offends or tends to degrade others (**Board of Education Policy #'s 0115 & 4510.2-R**).
 - Downloading, storing, printing, or distributing files or messages that contain information considered dangerous to the public at large (**Board of Education Policy #4510.2-R**)
 11. Intimidation, which includes engaging in actions or statements that put an individual in fear of emotional or physical harm (**Board of Education Policy #0115**).
 12. Hazing, which includes any act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team (**Board of Education Policy #'s 5280, 5280-E, 5280.1, 5280.1-E & 5290.1**)
 13. Gambling.
 14. Indecent exposure, that is, exposure to sight of the private parts of the body.
 15. Initiating a false report of fire or other catastrophe, misuse of 911, discharging a fire extinguisher, or tampering with other safety equipment.
- VI. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on West Genesee buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Pushing, shoving, fighting, harassment or excessive noise will not be tolerated. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the West Genesee code of conduct (**Board of Education Policy # 8414.3**).

VII. Engage in, or assist any other person(s), in any form of academic misconduct. Examples of academic misconduct include:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering a grade, or other student record, on paper or in electronic form.

C. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student observing or overhearing the following shall report this information to an adult:

1. Threats of violence
2. Possession or use of weapons as outlined in Section II "Definitions"
3. Possession, use or distribution of alcohol or illegal substances
4. Harassment which creates a hostile environment that substantially interferes with a student's education

The Building Principal, or program supervisor, must notify the appropriate local law enforcement agency of those code violations that constitute a crime, especially issues that may involve physical or sexual assault or any issues related to domestic violence, as soon as practical, but in no event later than the close of business the day the principal learns of the violation. The notification must identify the student(s) and explain the conduct that violated the code of conduct and constituted a crime. The Superintendent and the School Resource Officer (SRO) should be notified when Child Protective Services (CPS) is called related to the safety of a student.

D. DIGNITY FOR ALL STUDENTS ACT (DASA)

All forms of bullying, including cyberbullying (definitions listed in Section II) are violations of State Education Law (Chapter 102 as of July 1, 2013) as well as the West Genesee Code of Conduct. The following summary of the new code of Conduct requirements are illustrative but not exhaustive.

1. A hostile school environment can be created by threats, intimidation or abuse including cyberbullying, and may include conduct that causes or reasonably could cause emotional harm;
2. Such conduct may take place in school or at school functions;
3. However, cyberbullying may be initiated off campus where it creates or reasonably could create a substantial disruption at school or the abuse might reach school property.
4. Responses to student against student acts of harassment, bullying and/or discrimination must incorporate a progressive model of student discipline that is age-appropriate, considers the nature of severity of the conduct, and is reasonably calculated to end it, among other factors; and
5. Retaliation against a good faith reporter is prohibited.

Reporting Requirements

Any West Genesee District employee who witness acts of harassment, bullying, or discrimination or have such acts reported to them are under an affirmative duty to report these incidents to the superintendent, principal or their designee. The employee must orally notify the principal, superintendent, or their designee no later than one school day after witnessing or receiving a report of such acts. The employee must also file a written report with the principal, superintendent, or their designee no later than two school days after making the oral report.

If the required investigation of a report verifies that a material incident of harassment, bullying, and/or discrimination did occur then the superintendent, principal, or their designee must: take prompt action reasonably calculated to end the harassment, bullying, and/or discrimination; 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 the behavior was directed.

Principals make annual reports to the superintendent on data and trends related to harassment, bullying, and/or discrimination. The superintendent submits an annual report of harassment, bullying, and/or discrimination that occurred in the last year to the Commissioner of Education.

E. DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. West Genesee personnel who interact with students are expected to use disciplinary action 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 penalties may consider the following:

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

Discipline may be progressive and is dependent upon the nature of the incident. This means that a student's subsequent violations will usually merit a stiffer penalty than the first violation.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for

disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

I. Penalties

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

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

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

1. Verbal warning – any member of the West Genesee staff.
2. Written warning – bus drivers, hall and lunch monitors, teachers – will send written report to principal or designee; superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, teachers, principal or designee, superintendent.
4. Detention – teachers, principal or designee, superintendent.
5. Suspension from social, co-curricular, or extracurricular activities – principal or designee, superintendent, activity advisor, coach, fine arts director, athletic director (refer to applicable codes).
6. Suspension of other privileges – principal or designee, superintendent.
7. Alternate Setting – high school teachers, principal or designee, superintendent.
8. Removal from classroom by teacher – teachers, principal or designee, superintendent.
9. Short-term (five days or less) suspension from school – principal or designee, superintendent.
10. Long-term (more than five days) suspension from school – superintendent, board of education.
11. Permanent suspension from school – superintendent, board of education.

II. Teacher Removal of Disruptive Students

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

A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can

control disruptive student behavior by using good management techniques.

Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

Short-term, time-honored classroom management techniques such as 'time out' in an elementary classroom or in an administrator's office, or sending students briefly into the hallway are not considered removals from class.

A classroom teacher may remove a student from class for up to two additional days following the initial removal if the teacher determines that the student is disruptive.

The removal from class applies to the class of the removing teacher only. The teacher and principal or designee may mutually agree to removal from class for up to 5 days.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. If the student does pose 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 one full school day.

The teacher must complete a West Genesee-established referral form and meet with the principal or program supervisor as soon as possible, but no later than by the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal or supervisor is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or supervisor prior to the beginning of classes on the next school day.

The Principal, or the designee may overturn the removal of the student from class if the principal, supervisor, or designee finds any one of the following:

- a. The charges against the student are not supported by substantial evidence.
- b. The student's removal is otherwise in violation of law.
- c. The conduct warrants suspension from school pursuant to Education law §3214 and a suspension will be imposed.

Within one school day after the student's removal, the principal, or another West Genesee Administrator designated by the principal must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal, supervisor or the designated administrator to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. Where possible, notice should be provided by telephone if West Genesee has been provided with a telephone number(s) for the purpose of contacting parents.

If at the informal meeting the student denies the charges, the principal, or the designated administrator must explain why the student was removed and give the student and the student's

parents a chance to present the student's version of the relevant events. The informal meeting must be held within two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

The principal, or designee must make a determination as to whether to overturn the removal before the end of the day following the day of the informal meeting. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal, supervisor or designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

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.

Each teacher must keep a complete log for all cases of removal of students from his/her class. The principal, or supervisor must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal, supervisor or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges, the customary right and responsibility of the teacher to manage student behavior in the classroom.

III. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to West Genesee property or functions.

Any student found guilty of bringing a weapon onto West Genesee property will be subject to suspension from West Genesee programs for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent will consider the following:

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

The superintendent is required to refer the following students to the County Attorney (or the appropriate county agency if not 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 over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on West Genesee property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal procedure Law.

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

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

Any student 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 a minimum of five days (**Board of Education Policy #5311**). If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty 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 superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent will consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

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 who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty 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 superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty,

the superintendent will consider the same factors considered in modifying a one-year suspension for possessing a weapon.

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

F. 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, West Genesee will take steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education (**Board of Education Policy #4327 & 4327-R**).

G. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever West Genesee authorities find it necessary to impose discipline. 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.

I. 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/herself or others.

Interim Alternative Educational Setting (IAES) means a temporary educational placement (for a period of up to 45 school days) determined by the Committee on Special Education. Students with disabilities who have been suspended or removed from their current placement for more than 10 school days pursuant to Part 201 may be placed in an IAES. The IAES, to the extent provided in Part 201, shall be an educational setting other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall continue to receive educational services so as to enable the student to continue to participate in the general

education curriculum, although in another setting, and to progress toward the goals set out in the student's current IEP. The student shall receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

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 (West Genesee) Superintendent of Schools or a Building Principal delegated with the authority to suspend students 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. Where a student with a disability has inflicted serious bodily injury, 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, the superintendent may order that the student be placed in an IAES, to be determined by the Committee on Special Education ("CSE"), for the same amount to time that a student without a disability would be subject to discipline, but not more than 45 school days, regardless of whether the conduct is a manifestation of the student's disability.

-“Serious bodily injury” upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency means bodily injury which involves a substantial risk of death, extreme physical pain, protracted or obvious disfigurement or protracted or impairment of the function of a bodily member, organ or mental faculty.

-“Weapon” means the same as “dangerous weapon” under 18 U.S.C. §930 (g) (w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except ... [for] a pocket knife with a blade of less than 2 ½ inches in length.”

-“Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

-“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.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 school days for the IAES, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

II. 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 accumulate to more than 10 school days in a school year, because the student’s behavior is substantially similar to the student’s behavior that resulted in the series or 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 manifestation team 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 or a serious bodily injury.

III. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

1. When a student with a disability is suspended or removed from the student’s current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement, including a change in placement to an IAES pursuant to section 201.7(e) for behavior that involves carrying or possessing a weapon or possession or use of an illegal

drug or selling or soliciting the sale of a controlled substance or serious bodily injury, and the student's conduct is a manifestation of the student's disability.

-When a student with a disability is suspended or removed from the student's current placement for more than 10 consecutive school days or when a suspension or removal constitutes a disciplinary change of placement and the student's conduct is a manifestation of the student's disability, the Committee on Special Education shall conduct an assessment and develop a plan or review an existing plan, not later than 10 business days after 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 pursuant to section 201.7(e) for behavior that involves carrying or possessing a weapon or possession or use of an illegal drug or selling or soliciting the sale of a controlled substance.

-If the school district did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the suspension or removal, the school district shall convene a meeting of the CSE to develop an assessment plan. As soon as practicable after developing such behavioral assessment plan and completing the assessments required by the plan, the school district shall convene a meeting of the CSE to develop appropriate behavioral interventions to address that behavior.

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. Review may be indicated in the following circumstances:

- if the parent of such student has expressed concern to school district personnel in writing, to supervisory or administrative personnel of the appropriate educational agency, or to a teacher of the student that the student is in need of special education (such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement).
- the parent of the student has requested that an individual evaluation of the student be conducted for the purpose of determining whether the student is a student with a disability.
- a teacher of the student, or other personnel of the school district, has expressed specific concerns about the pattern of behavior demonstrated by the student, directly

to the director of special education of the school district or to other school district supervisory personnel of the school district.

b. A student will not be considered a student presumed to have a disability for discipline purposes if:

- 1) the parent of the student has not allowed an evaluation of the student or;
- 2) the parent of the student has refused services under this part; or
- 3) it was determined (conducted an individual evaluation) that the student is not a student with a disability; or

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. West Genesee shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his best current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner of Education 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 divided into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

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.

- a. Exception for pattern of suspensions or removals. A student with a disability may not be removed if imposition of the 5 school day or 10 school day suspensions or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria, except where the CSE manifestation team has determined that the behavior was not a manifestation of such student's disability, or the student is placed in an IAES.
- b. Change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances. A superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent's hearing, may order the change in placement of a student with a disability to an appropriate IAES, to be determined by the CSE, for up to 45 school days, but not to exceed the period of suspension ordered by the superintendent where the student:
 - has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;
 - carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency,
 - knowingly possesses or used illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency.

The period of suspension or removal ordered by the superintendent may not exceed the amount of time that a nondisabled student would be suspended for the same behavior.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement under this Part for a student with a disability who violates a code of student conduct.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy. When a student with a disability is suspended or removed and the aggregate number of days exceeds 10 school days in a school year, regardless of the manifestation determination, the student shall receive services necessary to continue to participate in the general education curriculum and to progress toward meeting IEP goals.

IV. EXPEDITED DUE PROCESS HEARINGS

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:

- a. West Genesee 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 hearing where West Genesee personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings. An impartial hearing officer appointed in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for not more than 45 school days.
- 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 a disciplinary change in placement, including but not limited to any decision to place the student in an IAES. 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 West Genesee agree otherwise.

If West Genesee 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.

Procedures for removals other than suspensions.

A removal of a student with a disability, other than a change in placement to 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 there has been a determination that the behavior is not a manifestation of the student's disability.

The removal of a student with a disability to an IAES shall be conducted in accordance with the applicable provisions of section 201.7(e).

2. An expedited due process hearing shall be completed in compliance with the timelines contained in Section 201.11 of the Commissioner's Regulations.

V. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

In accordance with the provisions of Individual with Disabilities Education Act (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. Disclosure has to be consistent with FERPA, which means that student records generally are not given to law enforcement without parental written consent.

H. 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 (**Board of Education Policy #5314**).

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

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

I. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on West Genesee property and at West Genesee functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of Miranda-type warning before being questioned by West Genesee officials, nor are West Genesee officials required to contact a student's parent before questioning the student.

In addition, the Board authorized West Genesee nurses, principals or designees, program supervisors, and teachers to conduct searches of students and their belongings if the authorized West Genesee 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 (**Board of Education Policy #5330 & 5330-R**). An authorized West Genesee official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the West Genesee official has a legitimate reason for the very limited search.

An authorized West Genesee official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the West Genesee employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. West Genesee employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized West Genesee official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

I. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places.

Students have no reasonable expectation of privacy with respect to these places and West Genesee officials retain complete control over them. This means that student lockers, desks and other West Genesee storage places may be subject to search at any time by West Genesee officials, without prior notice to students and without their consent.

II. Documentation of Searches

The official performing the 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).
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 Principal shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or supervisor shall retain control of the items, unless the items are turned over to the police. The Principal or supervisor shall be responsible for personally delivering dangerous or illegal items to police authorities.

III. Police Involvement in Searches and Interrogations of Students

West Genesee 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 West Genesee buildings or at West Genesee functions, or to use West Genesee facilities in connection with police work. Police officials may enter West Genesee property or a West Genesee function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant.
2. Reasonable suspicion to believe a crime has been committed on West Genesee property or at a school function,
3. Been invited by West Genesee officials.

Before police officials are permitted to question or search any student, the building principal or program supervisor shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search, in writing, by the principal or supervisor as soon thereafter as possible. The principal or supervisor will also be present during any police questioning or search of a student on West Genesee property or at a West Genesee function.

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

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

IV. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of West Genesee 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 West Genesee property relating to allegations of suspected child abuse, and/or neglect, or custody investigations **(Board of Education Policy #5460, 5460-R, & 5460-E)**.

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

A child protective services worker may only remove a student from West Genesee property without a court order, or parent consent if the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from West Genesee property.

VI. VISITORS TO THE SCHOOLS

The Building Principal is responsible for all persons in the building and on the grounds. The principal or designee has the right to deny a request for visitation if it is deemed disruptive to the operation of the building, including classrooms. The following rules apply to visitors to West Genesee property **(Board of Education Policy #1520, 1520-R, & 1530)**:

1. Anyone who is not a regular staff member or student of the school or program will be considered a "visitor".
2. All visitors to the West Genesee facilities will be required to sign the visitor's register 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 before leaving the building.
3. Visitors attending West Genesee functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.

6. Any unauthorized person on school property will be reported to the principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.
7. All visitors are expected to abide by the rules for public conduct on West Genesee property contained in this code of conduct.
8. All visitors are subject to a visual inspection of the inside and the outside of any 'bag' they may have with them whenever they are on school grounds or at a school sponsored event. Bags may be defined but not limited to a purse, backpack, computer bag, or duffel bag.

VII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The West Genesee 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 West Genesee property and at West Genesee functions (**Board of Education Police #1520, 1520-R, & 1530**).

The restrictions on public conduct on West Genesee property and at West Genesee functions contained in this code are not intended to limit freedom of speech or peaceful assembly. West Genesee 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.

A. PROHIBITED CONDUCT

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, West Genesee programs or other West Genesee activities.
4. Distribute or wear materials on West Genesee grounds or at West Genesee functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational programs.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the West Genesee premises without authorization or remain in any building or facility after it is normally closed.
7. Violate the traffic laws, parking regulations or other restrictions on vehicles.
8. Possess, consume, sell, distribute, exchange, or be under the influence of alcoholic beverages or controlled substances on West Genesee property or at a West Genesee function.

9. Possess or use firearms or other weapons as defined in Section II “Definitions” except in the case of law enforcement officers or except as specifically authorized by West Genesee district.
10. Loiter on or about West Genesee property.
11. Refuse to comply with any lawful order of West Genesee district officials performing their duties.
12. Incite others to commit any of the acts prohibited by this code.
13. Violate any federal or state statute, local ordinance or board policy while on West Genesee property or while at a West Genesee function.
14. Allow their pets to roam freely; owners are required to clean up behind their pets.
15. Tobacco use shall not be permitted on West Genesee property.

B. PENALTIES

Persons who violate this code shall be subject to penalties as defined in the **Board of Education Policy #1520-R**.

Individuals shall be subject to immediate removal, warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. ENFORCEMENT

The Superintendent shall be responsible for enforcing the conduct required by this code. The Superintendent may designate the other West Genesee district staff who are authorized to take action consistent with the code.

The West Genesee district may initiate disciplinary action against any student or staff member, as appropriate, with the “Penalties” section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

VIII. PUBLICATION, DISTRIBUTION AND REVIEW

A. Dissemination of Code of Conduct

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

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing a summary of the code of conduct written in plain language to all those in parental relationship to district students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.

5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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

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

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Policy Number	Reg Exh	Section	Policy
Community Relations			
1520	R	Public Use of School Facilities	Public Conduct on School Property
1530		Public Use of School Facilities	Tobacco-Free Environment
Instruction			
4327	R	Curriculum	Homebound Instruction
4510.3	R	Instructional Technology	Code of Conduct
4510.6	R	Instructional Technology	Software Application Use
4510.7	R	Instructional Technology	Network Access
4510.8	R	Instructional Technology	Computer Electronic Mail (E Mail) Bulletin Boards
4510.9	R	Instructional Technology	Computer Internet Use
4510.1		Instructional Technology	Security
Student Policies			
5000	R	Student Policies Goals	Wellness
5020		Student Policies Goals	Equal Educational Opportunities
5020.1	R E	Student Policies Goals	Section 504 of the Rehabilitation Act of 1973
5110		Student Attendance	School Attendance Area
5141	R E	Entrance Age	Early Admission to Kindergarten Policy
5142	R E	Entrance Age	Early Admission to Grade One Policy
5151	E	Student Attendance	Residency and School Admissions
5160.1		Student Absences and Excuses	Class Attendance-Grades 9-12
5162	R	Student Attendance	Student Dismissal Precautions
5220	R	Co-curricular and Extracurricular Programs	Student Publications
5280	E	Co-curricular and Extracurricular Programs	Interscholastic Athletics
5280.1	E	Co-curricular and Extracurricular Programs	Marching Band
5290.1		Co-curricular and Extracurricular Programs	Academic Eligibility-Grades Nine through Twelve
5311		Student Conduct	Student Rights and Responsibilities
5311.3	R	Student Conduct	Student Complaints and Grievances
5312.1		Student Conduct	Drug and Alcohol Abuse
5312.2		Prohibited Conduct	Dangerous Weapons in Schools
5313.3		Penalties	Suspension and Expulsion
5314		Student Conduct	Corporal Punishment
5330	R	Student Conduct	Searches and Interrogations
5420	R	Student Welfare	Student health Services
5460	R E	Student Welfare	Prevention and Reporting of Suspected Child Abuse and Maltreatment
5470		Student Welfare	Sexual harassment
5480		Student Welfare	Tobacco-Free Environment
Support Services			
8414.3		Transportation	Student conduct on School Buses
Personnel and Negotiations			
9125.3		Personnel and Negotiations	Employee Use of Social Media