



AMHERST CENTRAL SCHOOL DISTRICT

CODE OF CONDUCT

Approved by the Board of Education — October 5, 2021

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Code of Conduct

I. Introduction

The Board of Education (“Board”) of the Amherst Central School District ("district") 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 character principles of civility, mutual respect, citizenship, perseverance, caring, self-discipline, courage, fairness, responsibility, honesty and integrity. District policies already regulate many aspects of behavior expected of district employees, students, and visitors to school property.

However, 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. 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 school property or attending a school function.

II. Definitions

For purposes of this code, the following definitions apply:

“Disability” means an individual with (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 regarding by others as such an impairment (d) is classified under the Individuals with Disabilities Education Act (“IDEA”) and Article 89 of the New York Education Law.

“Discrimination” means the unfair or unequal treatment of an individual or a group on school property or at a school function based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process, or who substantially interferes with the teacher’s authority over the classroom, or who at any time on school property or at a school function, disrupts the orderly functioning of the school or school function.

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

“Employee” means any person receiving compensation from a school district or employee of a contracted service provided or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article give 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.

“Gender” means actual or perceived sex and includes a person’s gender identity or expression.

“Harassment/bullying” means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Cyberbullying” means harassment/bullying, as defined above, through any form of electronic communication.

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality.

“School bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers, and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

“Parent” means parent, guardian, responsible adult or person in parental relation to a student.

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

and Traffic Law §142. "School property" for purposes of this code also means any class or instruction outside of the boundaries of the school but which constitutes a part of the student's educational program in the district, including, but not limited to, alternative instruction at a Board of Cooperative Educational Services ("BOCES") facility or program, work training, community training, work study, or internship. School property can also mean any furniture, equipment, educational supplies or other non-fixed personal property owned by the district.

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

"Threaten" means to communicate to any other person, either verbally, by overt act, or in any writing, information or statements that you will cause harm to or create some kind of negative consequence.

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

- A. Commits violent conduct as defined in this code upon a school employee, or attempts to do so.
- B. Commits, while on school property or at a school function, violent conduct upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- C. Possesses, while on school property or at a school function, a weapon or an instrument of violence.
- D. Displays, while on school property or at a school function, what appears to be a weapon or an instrument of violence.
- E. Threatens, while on school property or at a school function, to use a weapon or an instrument of violence.
- F. Knowingly and intentionally damages or destroys the personal property of the district or any school employee or any person lawfully on school property or at a school function.
- G. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

"Dangerous weapon" will be used in this code to refer to the definition contained in 18 USC §930(g)(w) in the context of the discipline of a student with a disability as defined below.

An "instrument of violence" includes, but is not limited to, any other gun, BB 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 cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.

A "disability" means a disability as defined by the Individuals with Disabilities Education Act ("IDEA") and Article 89 of the New York Education Law.

III. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Be treated in a respectful manner by other students and other members of the school community.
5. To an environment free of harassment and discrimination.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, 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. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold

- themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. To conduct themselves in a manner that fosters civility, kindness, and acceptance in the school environment free from harassment and discrimination.

IV. Essential Partners

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 school community.
2. Provide school officials with current working home, work and emergency telephone numbers (cell phones or pagers are insufficient by themselves) so that schools may reach parents to discuss student progress and other matters of mutual concern.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure that student absences are for a reason accepted as "excused" under New York Education Law and to provide appropriate school personnel with a reason for every absence.
6. Insist and help their children to be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Convey to their children a supportive attitude toward them, their education and the district.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a safe, quiet place for study and ensure homework assignments are completed.
14. Model behavior that is free from harassment or discrimination.
15. Exemplify conduct that fosters civility, kindness, and acceptance towards all people.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of (including but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn in the classroom and on school property.
2. Work to strengthen each student's self-concept and promote confidence to learn.
3. Know their students as learners and demonstrate a commitment to student achievement.
4. Be prepared to teach and to demonstrate interest in teaching and professional development.
5. Know school policies, rules and this code, obey them and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
8. Know their school's emergency and security procedures and assist the school in their implementation, as appropriate.
9. Report all violations of this code to the principal or his/her designee.
10. Know and follow the procedures for student discipline in Section VIII of this code as they relate to teachers.
11. Know school rules and help students to understand them.
12. Refer students, when appropriate, to Pupil Personnel Services personnel.
13. Maintain a learning environment that is free from harassment and/or discrimination.

C. Pupil Personnel Services Personnel

1. For school counselors, 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; regularly review with students their educational progress and career plans; provide information to assist students with career planning; encourage students to benefit from the curriculum and extracurricular programs.
2. For school social workers and school psychologists, provide appropriate services as requested by the principal under the guidelines established by the Commissioner of Education.

D. Dignity for All Students Act Coordinators (DACs)

1. All district Dignity Act Coordinators (at least one per building) are expected to:
 - a. Serve as the lead person responsible for facilitating implementation of DASA.
 - b. Participate in required training in order to respond to human relations in the areas of (including but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
 - c. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.
 - d. Accept reports regarding violations and conduct investigations as appropriate.

2. Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).
 - a. Windermere Boulevard School
 - i. Leslie Barr- 716-362-4139
LBarr@amherstschoools.org
 - ii. Melissa Stasio- 716-362-4137
MStasio@amherstschoools.org
 - iii. Amy Steger- 716-362-4198
ASteger@amherstschoools.org

 - b. Smallwood Drive School
 - i. Melissa Martin- 716-362-2193
MMartin@amherstschoools.org
 - ii. Jennifer Noe- 716-362-2124
JNoe@amherstschoools.org

 - c. Amherst Middle School
 - i. Pamela Primerano - 716-362-7175
PPrimerano@amherstschoools.org
 - ii. Derek Kise- 716-362-7191
DKise@amherstschoools.org

 - d. Amherst Central High School
 - i. Daniela Wolfe- 716-362-8176
DWolfe@amherstschoools.org
 - ii. Heather Krystofiak- 716-362-8160
HKrystofiak@amherstschoools.org

E. Principals

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.

2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. Superintendent and Other Administrators

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

G. All District Employees

1. Promote a safe and orderly school environment.
2. Know and obey this code of conduct and all other district rules and policies.

H. Board of Education

1. 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.
2. 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.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

4. Adopt policies to provide students with a school environment free of harassment and/or discrimination.

V. Student Dress Code

The district will regulate student dress to insure that students attend school in clothing and/or other items that are in accordance with public health guidance and protocols issued by federal, state, and local public health agencies and other health and safety standards and that does not disrupt or interfere with the educational process. The principal and other designated administrative personnel shall have the authority to determine that a particular student's dress on a given day is "inappropriate" i.e., does not meet the above standard. Students who violate the student dress code shall be required to modify their appearance, including but not limited to by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do, or who repeatedly fails to comply with the dress code, will be considered insubordinate and may be subject to further discipline, up to and including out of school suspension.

Students and their parents have the primary responsibility to make sure that student dress meets the code. All students are expected to give proper attention to personal cleanliness and to dress according to the code for school and school functions. Teachers and all other district personnel should exemplify and reinforce this code and help students develop an understanding of appropriate dress in the school setting.

For example, a student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

- A. Not include extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments.
- B. Completely cover underwear with outer clothing.
- C. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- D. Not include the wearing of hats, bandanas or other head covers in the school buildings except for those whose medical condition or religious belief dictates otherwise.
- E. Not include items that are vulgar, obscene, libelous, gang-related or that bully or denigrate others on account of (including but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- F. Not promote, advertise and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

- G. Not constitute a danger to self or others in physical education class or athletic teams, under the guidelines set by the director of health, physical education and athletics.

The district may require specific dress for students participating in activities in which clothing and jewelry may be a safety or health concern, such as in science laboratories or technology class.

District expectations for face coverings when required for safety include:

Appropriate face coverings, including masks, are required on school grounds when required social distancing. Acceptable face coverings include but are not limited to cloth (homemade sewn, quick cut, bandanna) and surgical masks. Exceptions to wearing face coverings will be made under certain circumstances with federal, state and local guidance and the District's reopening plan.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code for their particular school (which may be modified from, but not inconsistent with, the dress code stated herein) at the beginning of the school year and any revisions to the dress code made during the school year.

VI. Prohibited Student Conduct

The Board expects all students to conduct themselves in a 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.

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. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school 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 school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they, either alone or with others:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
 - 1. Running in hallways
 - 2. Making unreasonable noise.

3. The use of language or gestures that are profane, lewd, vulgar, or abusive is prohibited at all times. Additionally, public displays of affection, indecent exposure, possession of, buying, selling or distributing obscene or inappropriate materials, or any other inappropriate behavior are strictly prohibited.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community. Students are also prohibited from engaging in any behavior that disrupts their learning, or the learning of other students.
6. Tampering with or vandalizing any school district property. Damaging or destroying school district property, the personal property of a student, teacher, administrator, other district employee or any other person lawfully on school property is prohibited. Students will be assessed for damages or loss of any school property or equipment for which they are responsible.
7. 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.
8. Inappropriate use of technology (e.g. cell phones, computers, etc.) and/or the Internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning, taking pictures and/or video of another individual without the authorization of that person, and/or defaming others is strictly prohibited. Students are required to adhere to District policy and its accompanying regulation concerning Student Access to networked Information and to the current Acceptable Use Policy.
9. While it is clearly recognized that a variety of electronic devices, such as cell phones, music/video players, recording/playback devices or other mobile devices may be used in the classroom for educational purposes, their appropriateness for other areas and activities in the school setting is subject to the discretion of each building principal, or his or her designee. The Principal, designee, of each school will inform students and families of the specific policies regarding the use/possession of electronic devices at the beginning of the school year, and inform same of changes to these procedures that occur during the school year.
10. Pulling a fire alarm, discharging fire extinguisher, tampering with an AED device, and/or calling 911 without cause.

- B. Students may not be insubordinate, vulgar or display disregard of the school rules or disrespect for school personnel, which includes, but is not limited to not completing assignments, failing to comply with directions from school personnel and being unprepared for class. Examples of insubordinate conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving classes, alternative instruction or the school building or school property without permission. A class cut counts

as an unexcused absence and credit will not be given for work assigned or collected on the day of a class cut.

Students are not permitted to leave their assigned school building or grounds at any time during the school day without the expressed consent of school personnel. Students who become ill must be sent home through the Nurse's Office.

In order to provide the safest possible learning environment, each school principal, or designee, reserve the right to search any student, who returns to school after having left the building and/or grounds without following appropriate school policies.

3. Skipping detention, in-school suspension or any other disciplinary assignment.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Any violation of the Student Dress Code as described in Article V above, or as further described in any school's guidelines regarding student dress.
3. Any conduct that is disorderly as defined in Article VI, Section A above.

D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, fighting, play fighting, pushing, shoving, punching, throwing items, spitting, biting or scratching upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Only authorized law enforcement personnel are permitted to possess a weapon on school district property or at a school function. Students are prohibited from possessing, or threatening to use, a weapon on school property or at school functions at all times. Students are also prohibited from possessing or displaying anything that appears to be a weapon on school property or at a school function at all times. Students in possession of a firearm or a weapon, as defined by NYS Education Law 3214(3)(d), may be subject to suspension of one year, according to the requirements of that law. Any student in possession of an instrument designed to inflict harm or has the capability to inflict harm, regardless of intent, may also be subject to suspension.
4. Displaying what appears to be a weapon, a dangerous weapon or instrument of violence.
5. Threatening to use any weapon, a dangerous weapon or instrument of violence.

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. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to school personnel, or engaging in forgery. Forgery is the signing of another person's name with, or without, their knowledge. It is considered forgery even if it is done with the consent of the parent/person in parental relation whose name was forged. No student may at any time write his/her own notes for early dismissals or for absences.
 2. Stealing the property of the school district, other students, school personnel, or any other person lawfully on school property or attending a school function. Students are prohibited from taking (including assisting in the taking/theft of), or from being in possession of, property that does not belong to them.
 3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 4. Discriminating or harassing any student that creates a hostile environment by conduct or by verbal threats, intimidation or abuse, of such a severe nature that: (a) has or would have the effect of reasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional and/or physical wellbeing; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
 5. Discrimination, which includes intimidation, harassment or discrimination against any student on the basis of the individual's (including but not limited to) actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
 6. Harassment, which includes a sufficiently severe 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. Harassment also includes 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 wellbeing.

7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Hazing, which includes any intentional or reckless act on school property or at a school-sponsored activity directed against another for the purpose of initiation, affiliation or membership.
9. Bullying or cyberbullying, which includes violent conduct, harassment and/or intimidation as defined above.
10. Selling, using or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco. Possessing, distributing, or smoking a cigarette, smokeless cigarette, e-cigarette, cigar, pipe or using chewing or smokeless tobacco on district property, at school sponsored or school related activities, and all athletic contests is prohibited. This may include property adjacent to school buildings. Students are prohibited from possessing, being under the influence of, consuming, using, buying or attempting to buy, selling or attempting to sell, distributing, sharing or exchanging alcoholic beverages, marijuana (in any form), tobacco (of any kind, see above), and/or other drugs (including the misuse of a prescription or over the counter medication or the consumption of medication or drugs for any purpose other than its intended purpose) on District property, at school-sponsored or school related activities, and athletic contests.

A drug may include, but is not limited to:

- Any drug prohibited by New York State Law
- Inhalants
- Look-alike drugs
- Unprescribed medications
- Medications prescribed for another individual
- Drug paraphernalia.
- Over-the-counter medications.

Students are prohibited from possessing, being under the influence of, consuming, using, buying or attempting to buy, selling or attempting to sell, distributing, sharing or exchanging paraphernalia used in connection with alcoholic beverages, marijuana, tobacco (including matches or lighters), illegal substances or drugs (prescription or over the counter) on District property, at school-sponsored or school related activities, and athletic contests.

13. Unauthorized use or sharing of prescription and over-the-counter drugs.
14. Gambling – Students observed participating in, or conducting any activity that may be construed as gambling will be disciplined appropriately. Exchanging of personal property is not conducive to the educational environment and those items may be confiscated and appropriate disciplinary measures may be taken. Individual students are prohibited from selling items.

15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. Initiating a report warning of fire, explosion, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Using a computerized information system to engage in any of the above conduct.

F. Engage in misconduct while on a school bus or field trip bus.

Conduct on buses contracted for use by the school district that endangers the safety of others or is distracting to the bus driver. Students should conduct themselves on a bus according to the same established standards for classroom behavior. Excessive noise, inappropriate use of cell phones, pushing, eating, shoving and fighting is prohibited.

G. Engage in any form of academic misconduct.

Students at Amherst Central School district are expected to take responsibility for their conduct with respect to their academic actions. Academic honesty requires that students turn in work that is their own and shows their best effort. Students who violate the academic honesty policy may be denied credit on the assignment/assessment in question, and may also be subject to disciplinary action up to, and including, suspension from school.

Definition of Plagiarize: to steal and pass off as one's own (the ideas or words of another); use (a created production) without crediting the source; to commit literary theft; present as new and original an idea or product derived from an existing source. (*Webster's Third New International Dictionary, 1986, p. 1728*)

Plagiarism may include, but is not limited to:

Lack of in-text documentation

Not using quotation marks for, and giving credit for, direct quotes

Paraphrasing and not giving credit

Direct copying and submitting as the student's own work

Cheating may include, but is not limited to:

Submitting work obtained or copied from another student or obtained from a teacher without permission

Allowing another student to copy or obtain work

VII. Reporting Violations of the ACSD Code of Conduct

All students are expected to promptly report and describe violations of the code of conduct to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol, marijuana (in any form), or illegal substance on school property or at a school function shall report and describe this information immediately to a teacher, the building principal, the principal's designee or the superintendent. Any student who files a false report engages in disruptive behavior under this code.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. All district staff are expected to exercise discretion in reporting incidents of prohibited conduct in a way that demonstrates sound professional judgment and gives the highest consideration to preserving a safe and orderly school environment. 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, marijuana (in any form), or illegal substance found shall be confiscated immediately, if possible, 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.

School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.

The principal, superintendent or a designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.

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 practicable, 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 may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and allegedly constituted a crime.

The principal, or designee, shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the superintendent.

VIII. Consequences for Engaging in Prohibited Conduct

A. Principles of Discipline and Consequences of Behavior

Discipline is most effective when it deals directly with the problem at the time and place it occurs with fairness and impartiality. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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. As authorized by the New York Education Law, 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.

Unless the conduct is so serious or criminal in nature that a more serious penalty or referral to law enforcement is deemed necessary in the discretion of school officials, discipline, as a general rule, will be progressive. "Progressive discipline" means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability as defined by the Individuals with Disabilities Education Act ("IDEA"), the student shall, after guilt is determined pursuant to Education Law §3214, 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 or presumed to have a disability. A student identified as having such a disability shall not be disciplined, except pursuant to the guidelines in Article X of this code and applicable law.

B. Range of Penalties

1. Students who are found to have violated the district's code of conduct may be subject to the following penalties, either alone or in combination, consistent with New York State Education Law and the student's right to due process.
2. Verbal warning
3. Written warning
4. Written notification to parent
5. Detention or other age-appropriate in-school penalty
6. Suspension from transportation
7. Suspension from athletic participation

8. Suspension from social or extracurricular activities
9. Restitution for the value of stolen property
10. Suspension of other privileges
11. In-school suspension to intensive learning center
12. Removal from classroom
13. Short-term (five days or less) out-of-school suspension
14. Long-term (more than five days) out-of-school suspension
15. Permanent suspension from school

C. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty 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 penalty in connection with the imposition of the penalty.

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

1. Detention

Teachers, principals and the superintendent may use before, *during* or after school detention as a penalty for student misconduct when deemed appropriate by the principal or his/her designee in situations where a student's removal from the classroom would be inappropriate.

2. Suspension from transportation

If a student violates any portion of this code of conduct on a school or field trip bus, the bus driver is expected to bring such misconduct to the building principal's attention, and to the attention of his/her supervisor. 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 promptly and safely.

A student subjected to a suspension from transportation is not entitled to a 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 penalty involved.

3. 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 penalty involved.

4. In-school suspension from classes to intensive learning center

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 and the superintendent to suspend students from their regular classes who violate this code of conduct or school guidelines and place such students in an intensive learning center to continue their educational program on a temporary basis. Every effort will be made to assure that the instructor in the center will be a certified teacher.

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, within a reasonable time, to speak with the district official imposing the in-school suspension from classes to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

a) General principles.

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; (3) requesting assistance from other school personnel in the classroom; or (4) sending a student to a school counselor 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.

b) Conditions for teacher removal

On occasion, a student's behavior may become disruptive as defined elsewhere in this code of conduct. 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 instructions or repeatedly violates the teacher's classroom behavior rules. All teachers and other school personnel are expected to report to the principal or his/her

designee any student behavior that could reasonably be interpreted as disruptive as defined by this code of conduct.

c) Teacher removal process.

If, after such a report, and any disciplinary action resulting therefrom, the student's disruptive behavior persists, a classroom teacher may remove a non-disabled disruptive student from class to the areas designated within the school building for the temporary education of such students for up to two days. A school employee must accompany the removed student to the designated location. The removal from class applies to the class of the removing teacher only. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. A teacher may not remove a disabled student, as defined in this code of conduct, without first consulting with appropriate school officials to make sure that the procedures in Article X of this code of conduct related to the discipline of disabled students are followed. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal 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.

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.

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 in the presence of the principal or his/her designee why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must also complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee 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 designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the

student's parents, 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 or the principal's designee to discuss the reasons for the removal.

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 student's removal 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 parents.

The Board expects that the principal will require the teacher who ordered the removal to attend the informal conference, unless there are extraordinary reasons why, in the principal's judgment, the teacher should not attend.

If at the informal meeting the student denies the charges, the principal or the principal's designee 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 48 school-day hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

d) Principal review of removal.

The principal or a school administrator may overturn the removal of the student from class if the principal finds any one of the following:

- 1) After investigation, the charges against the student are not supported by substantial evidence.
- 2) The student's behavior is otherwise in violation of law, including the district's code of conduct, and therefore warrants another disciplinary sanction or law-enforcement referral.
- 3) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or a school administrator 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 school-day hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the 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 (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. These procedures are codified in New York Education Law §3214, and this section of the code is intended to summarize these procedures and not to supplant the relevant law, regulations and decisions of the Commissioner of Education.

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 or disruptive student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

a) Short-term (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, in the sole discretion of the superintendent or principal, 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 student, parent or guardian must be so notified in writing and the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The suspension in question will be imposed by the principal, or his or her designee, while the appeal to the superintendent/Board of Education is pending. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board with the district clerk within 20 days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Parents may choose to accept the decision of the principal, superintendent or Board at any point in the appeal process.

If the principal, superintendent or Board does not uphold the suspension, and the student has already served the suspension,

the district shall, as soon as possible, remove (“expunge”) the suspension from the student’s disciplinary record.

If the principal, superintendent or Board upholds the suspension, and the student has not already served the suspension, the student shall begin to serve the suspension on the next school day following the decision of the principal, superintendent or Board. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, the Superintendent’s office shall give reasonable notice to the student and the student’s parents of their right to a hearing. At the hearing the student may, at his/her expense, be represented by an attorney, if requested, and shall have the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The hearing shall take place before the student is suspended unless, in the sole discretion of the superintendent or principal, 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 student, parent or guardian must be so notified in writing and the hearing shall take place as soon after the suspension as is reasonably practicable.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board. The Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 20 days of the date of the

superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Parents may choose to accept the decision of the superintendent or Board at any point in the appeal process.

If the superintendent or Board does not uphold the suspension, and the student has already served the suspension, the district shall, as soon as possible, remove ("expunge") the suspension from the student's disciplinary record.

If the superintendent or Board upholds the suspension, and the student has not already served the suspension, the student shall begin to serve the suspension on the next school day following the decision of the superintendent or Board. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c) Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses 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. The procedures for permanent suspension are the same as those for a long-term suspension as defined above.

D. Minimum Periods of Suspension

1. Students who bring a weapon to school

a) General Rule

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.

b) Superintendent's Authority to Modify Penalty

The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- 1) The student's age.
- 2) The student's grade in school.
- 3) After guilt is determined, the student's prior disciplinary record.
- 4) The superintendent's belief that other forms of discipline may be more effective.
- 5) Input from parents, teachers and/or others.

- 6) Other extenuating circumstances.
- 7) A student with a disability may be suspended for bringing a dangerous weapon on school property only in accordance with the requirements of state and federal law.

2. Students who commit violent acts under this code 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, or who is found to have used or threatened to use an instrument of violence on school property, shall be subject to suspension from school for at least five days. If the proposed penalty 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 penalty 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 superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or the educational environment of the school, or who 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, or three or more occasions during a trimester. 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 an informal conference 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 may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

E. Family Court Proceedings Referrals

a) Persons in need of supervision

The district may file a PINS (person in need of supervision) petition in Family Court concerning any student under the age of 16 (after November 1, 2001, under age 18) who demonstrates that he or she requires supervision and treatment by reason of:

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

b) Juvenile Delinquent and Juvenile Offender Proceedings

The superintendent or his designee is required to refer the following students to law enforcement for a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42) and who has allegedly committed any other crime.

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.

c) Notification of Adjudication, Conviction and Sentence

The district shall appoint a designated educational official who alone shall receive all communications from the criminal justice system regarding student adjudications, convictions and sentences under the Family Court Act and Criminal Procedure Law and shall follow the procedures for maintaining this information under New York's Schools Against Violence in Education (SAVE) Act.

IX. Alternative Instruction During Suspension or Removal from Class

When a student of any age is removed from class by a teacher, or whenever 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. A "suspension" is never a suspension from education, but from the location in which education takes place.

X. Discipline of Students with Disabilities

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities as defined in this code of conduct to address disruptive or problem behavior. The Board also recognizes that such students with disabilities are entitled to 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 by New York State Regulations and District Policy. A copy of the district's procedures is available upon request.

XI. Use of Physical Force

A. Corporal Punishment Forbidden

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Under New York Education law, corporal punishment of any student by any district employee is strictly forbidden.

B. Legal Exceptions

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, New York Education Law permits the use of reasonable physical force 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 investigate and file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

The district provides training for staff in appropriate student restraint techniques as approved by the New York State Office of Mental Retardation and Developmental Disabilities.

XII. QUESTIONING OF Student and Student Searches

A. Questioning by School Personnel

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

B. Searches by School Personnel—General Guidelines

In addition, the Board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. In addition, school officials reserve the right to search any student who returns to school after leaving the school building or school property.

An authorized school official, or designee, 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.

Searches of student belongings will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched, whenever practicable. School personnel reserves the right to question students regarding incidents of misconduct at any point while a search is being conducted.

C. Searches of Student Lockers, Desks, Computerized Information Systems 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, computerized information systems and other school storage places. 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 hard drives and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. Students have exclusive use of a locker only so far as other students are concerned.

D. Removal of Clothing During a Student Search

A search may require a student to remove some of his or her clothing, such as an outer coat or jacket, shoes, socks, sweaters, hats or vests, in conjunction with an investigation under this code of conduct. Students may also be required to empty pockets or shake out bulky clothing in the presence of school officials. If an authorized school official believes it is necessary to conduct such a search of a student, the school official may do so only in the presence of another school official.

The only exception to this rule is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Only law enforcement personnel, under the guidelines in Sections E and F below, may conduct searches that require a student to remove all of his or her clothing.

E. Police Involvement in Searches and Questioning of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. In contrast to the authority of school officials, who have authority under the Education Law to question students without parental consent, police officials 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:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Police officials are permitted to question or search any student who is alleged to have engaged in prohibited conduct, and who is 16 years old, or older. The building principal or his or her designee may first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. The principal or designee may also be present during any police questioning or search of a student on school property or at a school function. Questioning or searching of students under the age of 16 without the consent of a parent, or person in parental relation, is prohibited.

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. This means that police officials must:

1. Inform students of their legal rights.
2. Inform students that they may remain silent if they so desire.
3. Inform students that they may request the presence of an attorney.

XIII. Visitors to the Schools

Since schools are a place of work and learning, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

- A. Anyone who is not a regular staff member or student of the school will be considered a visitor.
- B. All visitors to the school must report to the office of the principal upon arrival at the school. There they 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 to the principal's office before leaving the building.
- C. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- D. 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.
- E. Teachers are expected not to take class time to discuss individual matters with visitors.
- F. Any unauthorized person on school property or any visitor who violates any provisions of this code of conduct will be reported to the principal or his or her designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.

All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct. The principal may limit the access of any visitor on school property, including a parent, if that visitor's conduct disrupts the educational process or environment of the school.

No non-school employee, including a parent, is ever permitted to board a school bus. All complaints related to transportation should be reported to the district's transportation contractor and the district's transportation office for investigation.

XIV. Public Conduct of Visitors 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, but not limited to, students, teachers, other school employees, visitors, those using school property under a permit granted by the district and district personnel.

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. All school personnel have the right and responsibility to enforce the proper conduct of visitors on school property, and the discretion to determine an appropriate sanction designed to address the immediate incident of misconduct.

A. Prohibited Conduct

No person, either alone or with others, shall engage in behavior deemed inappropriate for the school setting. Examples include, but are not limited to:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities, conferences or meetings, including student dismissal procedures, or engage in conduct that includes yelling, swearing, threatening, harassing, or intimidating
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, threaten, harass, bully, or discriminate against any person on the basis of the person's actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practices, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises, including the use of telephones, fax machines and computerized information systems, 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 traffic directions, signs or traffic control devices, parking regulations or other restrictions on vehicles, especially in areas reserved for school buses during the hours of student arrival and dismissal;
9. Possess, consume, sell, distribute or exchange tobacco products, alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order, including, but not limited to leaving the property or moving a vehicle of school district personnel performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.

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

B. Penalties

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

1. Visitors/Spectators. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn suspended and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection by designated security or law enforcement officials. Furthermore, the District shall also have the authority to suspend the right of an individual to be on school property for violations of the Code of conduct. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the District's determination.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

XV. Dissemination and Review

A. Communication of the Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct. Efforts to do so may include:

1. Providing copies of a plain-language summary of the code, and access to the code itself, to all students at a general assembly held at the beginning of each school year. This general assembly can be conducted without the physical assembly of the entire student body in one place, provided that the entire student body is given a copy of this code at the same time, and that any explanation of its contents be delivered simultaneously via live video, videotape, loud speaker or other medium designed to reach all students at the same time.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Mailing, emailing, or posting on the school district website this code of conduct so that it is readily available to all parents of district students before the beginning of the school year and making it 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.

7. Requiring, where appropriate, that parents acknowledge, in writing, that they have received a copy of this code at the beginning of each school year.
8. Posting the Code of Conduct on the District website for access by parents, students, and community members.

The Board 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 personnel 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.