

# CODE OF CONDUCT

## INTRODUCTION

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

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the board adopts this code of conduct (“code”).

In accordance with the **Dignity for All Students Act**, School District policy and practice strives to ensure that no student is subject to harassment, bullying, and/or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, or other reasons, by school employees or students on school property, on a school bus, or at a school function.

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

## I. DEFINITIONS

For purposes of this code, the following definitions apply:

**“Bullying” and/or “Harassment”** means the creation of a hostile environment by conduct or by threats, intimidation or abuse (such threats, intimidation, or abuse including verbal and non-verbal actions as well as cyber bullying) that either: (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; 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. Such behavior includes acts that occur: (a) on school property, at a school function, or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, acts based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**“Cyber bullying”** means “bullying” and/or “harassment” as defined above that occurs through any form of electronic communication.

**“Discrimination”** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**“Disability”** means: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

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

**“Emotional Harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through the 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 provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Sections 11[4] and 1125[3]).

**“Gender”** means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law 11[6]).

**“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

**“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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

**“Religion”** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**“School Bus”** means every motor vehicle owned 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 (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

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

**“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law Section 11[1]).

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

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

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

**“Weapon”** means a firearm as defined in 18 USC Section 921 for purposes of the Gun-Free Schools Act. It also means any device, instrument, material or substance that can cause physical injury or death when used in an attempt to cause, or to cause, physical injury or death.

**“Weight”** means the amount a person weighs.

## **II. 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. Attend school in the district in which one's parent or legal guardian resides.
2. Expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
3. Be treated in a respectful manner.
4. Seek participation in all district activities on an equal basis regardless of a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability,

sexual orientation, gender (including gender identity or expression), or sex.

5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
6. Have access to school rules and, when necessary, receive an explanation of those rules from school personnel.
7. Have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or information about agencies capable of providing direct assistance to students with serious personal problems.
8. Be protected from discrimination and/or bullying and harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex, or other reasons, by school employees or students on school property, on a school bus, or at a school function.

### **III. 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 and resolve conflicts in a civilized respectful manner. This includes seeking a peer or adult mediator if necessary.
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. Respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act.

13. Conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination.

14. Report and encourage others to report any incidents of harassment, bullying and/or discrimination.

#### **IV. ESSENTIAL PARTNERS**

Parents, teachers, counselors, principals, the superintendent, and the Board of Education are all essential partners in carrying out the mission of Wheatland-Chili Central School District.

##### **Parents:**

All parents have the responsibility to:

1. Recognize that the education of their child(ren) is a joint responsibility between parents and the school community and collaborate with the district to optimize their child's educational opportunities.

2. Send their children to school ready to participate and learn.

3. Ensure their children attend school regularly and on time.

4. Ensure legal absences are excused.

5. Ensure their children are 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 school rules and help their children understand them so that their children can help create a safe, supportive school environment.

8. Convey to their children a supportive attitude toward education and the district.

9. Build positive, constructive relationships with teachers, other parents and their children's friends.

10. Help their children deal effectively with peer pressure.

11. Inform school officials of changes in the home situation that may affect student conduct or performance.

12. Provide a place to students and ensure homework assignments are completed.

13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

**Teachers:**

All teachers have the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting which will strengthen students' self-image and promote learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them a fair and consistent manner.
5. Maintain confidentiality in accordance with federal and state law.
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 growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. Report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act

Coordinator (DAC) in a timely manner.

**School Counselors/School Social Workers/School Psychologists:**

All school counselors, social workers, and psychologists have the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting which will strengthen students' self-image and promote confidence to learn.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student /counselor conferences and parent/ teacher/ student/ counselor conferences as necessary, as a way to resolve problems.
4. Meet with students to regularly review their educational progress and career plans, as appropriate for their grade level
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of discrimination, bullying and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.
12. Report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to the counselors", social workers', and psychologists' attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Other School Personnel:**

All other school personnel have the responsibility to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability,

sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting which will strengthen student's self-image and promote confidence to learn.

2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the individual's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**Principals/Administrators:**

All principals and administrators have the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students, in a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Ensure that students and staff have the opportunity to communicate regularly with principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct when called upon.
7. Disseminate the code of conduct and anti-harassment policies.
8. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved

promptly and fairly.

9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students and staff.
12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the administrator's attention to the Dignity Act Coordinator (DAC) in a timely manner.

**The Dignity Act Coordinator(s):**

All Dignity Act Coordinator(s) have the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students, in a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
3. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
4. Address personal biases that may prevent equal treatment of all students.

**Superintendent:**

The Superintendent has the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students, in a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Inform the Board about educational trends relating to student discipline.
3. Review the policies of the Board of Education and state and federal laws relating to school operations and management with district administrators.

4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Report or ensure the reporting of incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to the Superintendent's attention to the Dignity Act Coordinator (DAC) in a timely manner.

### **Board of Education:**

The Board of Education has the responsibility to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students, in a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct and the school's mission.
4. Collaborate with student, teacher, administrator, 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.
5. 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.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address personal biases that may prevent equal treatment of all students and staff.
8. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national

origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.

## **V. STUDENT DRESS CODE**

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter-tops, plunging necklines (front and/or back), short shorts or skirts that end higher than the extended fingers of the student's arm, and see-through garments are not appropriate.
3. Ensure that underwear and bare midsections, both front and back, are completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of any head-coverings in the school building except for a medical or religious purpose. This includes hats, hoods, bandannas, doo-rags, sunglasses, headbands worn on the skull, etc. Also, all such head coverings should be stored in lockers throughout the day.
6. Not include items that are vulgar, obscene and libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not include the wearing of overcoats or jackets.

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.

## **VI. PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil

manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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. Students who violate these school rules will be required to accept the consequences for their conduct.

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

### **1. Engage in conduct that is disorderly.**

Examples of disorderly conduct include, but are not limited to:

- a. Running in hallways
- b. Making unreasonable noise
- c. Using language or gestures that are profane, lewd, vulgar or abusive, intimidating, or that incite others
- d. Obstructing vehicular or pedestrian traffic
- e. Engaging in any willful act, which disrupts the normal operation of the school community
- f. 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.
- g. Computer/electronic communications misuse – including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; evading the district’s content filters; or any other violation of the district’s acceptable use policy.

### **2. Engage in conduct that is insubordinate.**

Examples of insubordinate conduct include, but are not limited to:

- a. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- b. Lateness for, missing or leaving school without permission.
- c. Skipping detention (or other assigned consequence).

### **3. Engage in conduct that is disruptive.**

Examples of disruptive conduct include, but are not limited to:

- a. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- b. Behavior that interferes with the normal operation of the school.
- c. Inappropriate sexual contact.
- d. Unauthorized display or use of personal electronic devices, such as, but not limited to, cell phones, iPods, digital cameras, in a manner that is in violation of district policy.

#### **4. Engage in conduct that is violent.**

Examples of violent conduct include, but are not limited to:

- a. Committing an act of violence (such as hitting, kicking, pushing, punching, and scratching) upon a student, teacher, administrator or other school employee or attempting to do so.
- b. Committing an act of violence (such as hitting, kicking, pushing, punching, and scratching) upon any other person lawfully on school property or attempting to do so.
- c. Engaging in conduct including threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- d. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- e. Displaying what appears to be a weapon.
- f. Threatening to use any weapon.
- g. Throwing objects that can cause bodily injury or property damage.
- h. 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.
- i. Intentionally damaging or destroying school district property.
- j. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) whether on or off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or (b) results in material or substantial disruption to the educational environment.

#### **5. Engage in any conduct that endangers the safety, morals, health or welfare of others.**

Examples of such conduct include, but are not limited to:

- a. Lying to school personnel.
- b. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- c. 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. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- d. Engaging in acts constituting harassment, bullying, or discrimination.
- e. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- f. Selling, using or possessing obscene material.
- g. Using vulgar or abusive language, cursing or swearing.
- h. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products (including e-cigarettes) or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- i. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- j. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
- k. Gambling.
- l. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- m. Making false accusations or perpetrate hoaxes regarding safety.
- n. Misuse of 911, or discharging a fire extinguisher.
- o. Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

## **6. Engage in misconduct while on a school bus.**

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting, harassment, bullying, and/or discrimination, will not be tolerated.

## **7. Engage in any form of academic misconduct.**

Examples of academic misconduct include, but are not limited to:

- a. Plagiarism
- b. Cheating
- c. Copying
- d. Altering records
- e. Assisting another student in any of the above actions

## **8. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or at a school function.**

Examples of such misconduct include, but are not limited to:

- a. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text)
- b. Threatening or harassing students or school personnel over the phone or other electronic medium

## **9. Instigate or encourage another person to violate this Code of Conduct.**

## **10. Misuse of Technology Resources and the Internet**

- a. Students shall not: Violate policies, rules, or agreements signed by the student or the student's parents regarding the use of technology resources.
- b. Attempt to access or circumvent passwords or other security-related information of the district, students, or employees, or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- c. Attempt to alter, destroy, disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks

connected to the district's system, including off school property if the conduct causes substantial disruption to the educational environment.

- d. Use of Internet or other electronic communications to threaten district students, employees or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- e. Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal including cyber bullying and "sexting" either on or off school property, if the conduct causes a substantial disruption to the educational environment.
- f. Use email or websites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

### **11. Possession of Telecommunications or Other Electronic Devices**

- a. Students shall not use a cell phone or other telecommunication device with phone, IM, and/or text messaging, or other capabilities nor shall they use any electronic games, viewing or listening devices (iPods, iPads, headphones, cameras, camcorders, etc.) at school or on school grounds during the instructional day unless prior permission has been obtained from the Principal or teacher. Without such permission, teachers may collect the items and turn them in to the Principal's office where the device will be returned only to the student's parent or legal guardian. Although a student may possess the items listed above, they may do so only if the device is out of sight and turned off. If a student is in violation of the policy, they will be subject to disciplinary action. Unauthorized activation and/or use of cell phones may result in confiscation and/or search of the cell phone as such action is a direct violation of school policy.
- b. Cell phones or other telecommunication devices, like all other personal items brought by a student into a school zone, may be subject to search. The outcome of that search may result in school sanction and/or a criminal investigation by the police.

## **VII. REPORTING VIOLATIONS**

### **Students:**

All students are expected to promptly report violations of the code of conduct to a teacher, counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

### **Staff:**

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members 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 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. The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

## **VIII. DISCIPLINARY PENALTIES**

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

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

1. The student's age
2. The nature of the offense and the circumstances that 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

As a general rule, discipline will be progressive. This 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, 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 or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP) or is imposed pursuant to the process outline below at Section XIV.

### **A. Consequences**

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. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

- Oral warning – any member of the district staff
- Written warning – bus drivers, hall and lunch monitors, coaches, counselors,

- teachers, principal, superintendent
- Written notification to parent – bus driver, hall and lunch monitors, coaches, counselors, teachers, principal, superintendent
  - Detention – teacher, principal, superintendent
  - Extended Detention – principal, superintendent
  - Suspension from transportation – director of transportation, principal, superintendent
  - Suspension from athletic participation – coaches, principal, superintendent
  - Suspension from social or extracurricular activities – activity director, principal, superintendent
  - Suspension of other privileges –principal, superintendent
  - In-school suspension –principal, superintendent
  - Removal from classroom– teachers, principal, superintendent
  - Assignment grade reduction in case of plagiarism – teachers, principal, superintendent
  - Short-term (five days or less) suspension from school – principal, superintendent, Board of Education
  - Long-term (more than five days) suspension from school – superintendent, Board of Education
  - Permanent suspension from school – superintendent, Board of Education
  - Formal charges filed with police

## **B. Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

## **DENTENTION**

Teachers, principals and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Extended detention may be assigned by the administration.

## **SUSPENSION**

### **In-School Suspension**

Students may be assigned to an in-school suspension (ISS) room by an administrator. During assignment to ISS, students lose all school privileges, including participation in all extra-curricular activities for that day. Students may be released early for good behavior.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education law §3214. However, the student and the student's parent will be provided with a

reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

### **Out of School Suspension**

#### **Short-term (5 days or less)**

Suspension from school is administered by the principal and may be recommended for disorderly conduct, insubordination, or endangering the health, safety, or welfare of others. If a student is suspended, his/her parent or guardian will be notified by telephone and requested to pick him/her up at school. Suspended students lose all extracurricular privileges. Further, they are expressly prohibited from being on school grounds or attending school-sponsored functions.

A letter will follow explaining the reason for the suspension and its duration. 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 conference will include the student, the parents and the principal or other administrator, and teachers or other staff members when appropriate. The conference will focus on the conditions for the student's return to school.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does not pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within **five (5)** business days unless they can show extraordinary circumstances precluding them from doing so.

The superintendent shall issue a written decision regarding the appeal within 10 days of receiving the appeal. If the parents are not satisfied, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date the superintendent decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

#### **Long-Term (more than 5 days)**

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing.

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, which will make its decision solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within **Thirty (30)** days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

### **Suspension from Transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or the superintendent or their designee.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

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

### **Suspension from athletic participation, extracurricular activities, and other privileges**

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

### **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.

## **IX. TEACHER REMOVAL OF DISRUPTIVE STUDENT FROM CLASSROOM**

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:

- Sending a student into the hallway briefly;
- Sending a student to the principal's office for the remainder of the class time only; and/or
- Sending a student to a counselor or other district staff member for counseling.

(If a student is sent to an administrator or counselor, the teacher will contact the respective office to alert them of the student's impending arrival.)

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. 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.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours. The teacher must 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, by telephone and 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 principal may require the teacher who ordered the removal to attend the informal conference, which must be held within 48-hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- The charges against the student are not supported by substantial evidence; and/or
- The student's removal is otherwise in violation of law, including the district's code of conduct.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference.

## **X. MINIMUM PERIODS OF SUSPENSION**

### **Students who bring a weapon to school**

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.

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:

- The student's age
- The student's grade in school
- The student's prior disciplinary record
- The superintendent's belief that other forms of discipline may be more effective
- Input from parents, teachers and/or others
- Other extenuating circumstances

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

### **Students who commit violent acts other than bringing a weapon to school**

As required by Education law, a Code of Conduct must include a minimum period of suspension for students who commit violent acts other than bringing a weapon to school. Any student, other than a student with a disability, who is found to have committed such acts, shall be subject to a minimum suspension from school of five days. 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.

### **Students who are repeatedly substantially disruptive of the educational process or interfere with the teacher's authority over the classroom**

As required by Education law, a Code of Conduct must include a minimum period of suspension for students who are repeatedly substantially disruptive of the educational process or interfere with the teacher's authority over the classroom. Any student, other than a student with a disability, who repeatedly engages in such behavior, shall be suspended from school for a minimum of 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 any interval of 90 school days (approximately the length of one twenty-week semester).

## **XI. PINS PETITIONS**

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

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient, and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of §221.05. A single violation will be a sufficient basis for filing a PINS petition.

## **XII. JUVENILE DELINQUENTS AND JUVENILE OFFENDERS**

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

- Any student under the age of 16 who is found to have brought a weapon to school, or
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20.

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.

## **XIII. ALTERNATIVE INSTRUCTION**

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

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

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to

temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law have certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain circumstances those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law 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.

## **XV. CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

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

1. Protect oneself, another student, teacher or any person from physical injury;
2. Protect the property of the school or others; and/or
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

## **XVI. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or 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. District 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 school 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 practical, searches will be conducted in the privacy of administrative offices and students may be present when their possessions are being searched.

### **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 school officials retain complete control over them and the contents located therein. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent. In addition, cars parked on school grounds may be subject to search as well.

## **XVII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal 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:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the reception window upon arrival at the school, and they will be required to sign the visitor's register, and 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 reception window before leaving the building.
3. Visitors attending school 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 building principal, so that class disruption is kept to a minimum.
5. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XVIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. 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 dressed for the purpose they are on school property.

## **XIX. DISSEMINATION AND REVIEW OF CODE OF CONDUCT**

### **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 an age appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Mailing a plain language summary to all parents at the beginning of the school year, as well as a copy of the age appropriate version provided to students at start of school assemblies
3. Posting the complete code of conduct on the district's website.
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 complete code available for review by students, parents and community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

### **B. Review of Code of Conduct**

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 of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Adopted by the Wheatland-Chili Board of Education: February 24, 2014