



2020-2021

BOE Approved 8/4/2020

## WEST SENECA CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

### INTRODUCTION

The West Seneca Central School District and the Board of Education are committed to providing a safe and orderly environment, in which students may receive and district personnel may deliver quality educational services without disruption and interference. Responsible behavior by students, teachers, other district personnel, parents, and other visitors is essential to achieving this goal.

The West Seneca Central School District has a long-standing set of expectations for conduct on school property, at school functions, and with District computer systems. These expectations are based on principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property, at school-authorized functions, with District resources, and identify the possible consequences of unacceptable conduct, to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board of Education adopts this West Seneca Central School District Code of Conduct.

Actions outside of school that result in infractions of the code in school fall under this code and consequences may result as specified in the code.

Be aware that all West Seneca Central School District facilities employ video surveillance equipment for security purposes. This equipment may or may not be monitored at any time.

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**DEFINITIONS**

For the purpose of this code, the following definitions apply:

Color	Means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
DASA	<p>Means the Dignity for All Students Act. The goal of DASA is to provide public elementary and secondary school students with a safe and supportive learning environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, on a school bus, or at a school function. This includes “cyberbullying” as well as harassment that occurs off of school property that creates a risk or a perceived risk for harm or bullying on school property. In accordance with DASA, School District policy and practice must ensure that no student is subject to discrimination, harassment, or bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex by school employees or students.</p> <p><i>The West Seneca Central School District recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student’s ability to learn and achieve high academic standards, and a school’s ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. The District therefore strives to create an environment free of discrimination and harassment and promotes civility in the schools to prevent and prohibit conduct that is inconsistent with the District’s educational mission. To this end, the District has a comprehensive policy regarding the Dignity for All Students Act (“DASA”), which prohibits bullying, discrimination and harassment of students in specific circumstances. The policy is available on the District’s website and at our District office. Questions regarding DASA can be directed to the District’s appointed <b>Dignity Act Coordinators</b>:</i></p> <p><b>Allendale – Sean Hanley – 677-3670</b></p> <p><b>Clinton – Tina Schoepflin – 677-3631</b></p> <p><b>Northwood – Brenna Fitzpatrick – 677-3649</b></p> <p><b>West Elementary – Elizabeth Caprio – 677-3166</b></p> <p><b>Winchester – Luke Rejewski – 677-3594</b></p> <p><b>East Middle – Chris Scozzaro – 677-3530</b></p> <p><b>West Middle – Aimee Smart – 677-3513</b></p> <p><b>East Senior – Kristen Syracuse – 677-3300</b></p> <p><b>West Senior – Kathryn DiPasquale – 677-3368</b></p>

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Disability	<p>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]).</p> <p>Means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.</p>
Disruptive student	<p>Means a student, under the age of 21, who disrupts the educational process or interferes with the teacher's authority over the classroom.</p>
District Computer Usage	<p>Includes, but is not limited to, software, hardware, computer networks, and electronic communications systems.</p>
Employee	<p>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 Section s11[4] and 1125[3]).</p>
Ethnic Group	<p>Means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.</p>
Gender	<p>Means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).</p> <p>Means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)</p>
Harassment	<p>As defined in DASA, harassment means creating a hostile environment by conduct or by verbal threats, intimidation or abuse that unreasonably and substantially interferes with a student's educational performance, opportunities or benefits, or a student's mental, emotional or physical well-being. Harassment includes verbal threats, intimidation or abuse that may cause a student to fear for his or her physical safety and may include, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex. Education Law Section 11(7)</p>

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Hazing	Will be understood to be any activity undertaken or situation created, by any individual, group of individuals or organization, in which individuals are voluntarily or involuntarily subjected to activities that have the potential to harass, intimidate, impart pain, humiliate, invite ridicule or cause undue mental or physical fatigue or distress, or to cause mutilation, laceration, or bodily injury. The express or implied consent of the victim will not be a defense.
National Origin	Means a person's country of birth or ancestor's country of birth.
Parent	Means the biological, adoptive or foster parent, guardian or person in parental relation to the student.
Race	Means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.
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.
Religious Practice	Means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
School Function	Means any school-sponsored extra-curricular 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 schools, or in or on a school bus. Education Law Section 11(1)
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).
Sex	Means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)
Sexual Orientation	Means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]). Means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

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Violent Student	<p>Means a student under the age of 21 whom:</p> <ol style="list-style-type: none"> <li>1. Commits an act of violence upon a school employee.</li> <li>2. Commits, while on school property or at a school function, an act of violence upon another student or any person on school property or at the school function.</li> <li>3. Possesses, or displays while on school property or at a school function, a weapon.</li> <li>4. Displays while on school property or at a school function, what appears to be a weapon.</li> <li>5. Threatens, while on school property or at a school function to use a weapon.</li> <li>6. Damages or destroys school district property or the personal property of any school employee or any person lawfully on school property or at a school function.</li> </ol>
Weapon	<p>Means a firearm as defined in 18 USC 921 for the purposes of Gun Free Schools Act. It also means any item including but not limited to a [Other] gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switch-blade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, taser 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 when used [to cause physical injury or death].</p>
Weight	<p>Means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".</p>

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STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility.

*It is the student's right:*

*It is the student's responsibility:*

- |   |   |   |
|---|---|---|
| 1) To attend school in the district.  | → | To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.  |
| 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.   | → | To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.  |
| 3) To be respected as an individual.  | → | To respect one another, and to treat others in the manner that one would want to be treated.  |
| 4) To express one's opinions verbally or in writing.  | → | To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.  |
| 5) To dress in such a way as to express one's personality.  | → | To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.   |
| 6) To be afforded equal and appropriate educational opportunities.  | → | To be aware of available educational programs in order to use and develop one's capabilities to their maximum.  |
| 7) To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.   | → | To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.  |
| 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.  | → | To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.   |
| 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. | → | To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination. |

## WEST SENECA CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

### ESSENTIAL PARTNERS

#### Expectations for Parents and Guardians

1. Make certain your child's attendance at school is regular and punctual and all absences are properly excused, pursuant to the WSCSD Policy #7110 -- Comprehensive Student Attendance Policy and as required by law.
2. Ensure that your child is dressed in compliance with school rules regarding sanitation and safety and in a fashion that will not disrupt classroom procedures in accordance with this Code.
3. Be as certain as possible that your child is free of communicable disease and is in good health, enabling him or her to participate in the learning environment.
4. Teach your child, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
5. Agree to respect building specific requirements regarding security and safety. Parents will sign in and present proper identification in accordance with building procedures.
6. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
7. Help their children understand that appropriate rules are required to maintain a safe, orderly environment as per the West Seneca Code of Conduct.
8. Know school rules and help them understand them.
9. Convey to their children a supportive attitude toward education and the district.
10. Help their children deal with peer pressure in accordance with the West Seneca Code of Conduct.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study 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/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

#### Expectations for Teachers

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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen and promote a students' self-image and promote confidence to learn.
2. Know school policies and rules, and enforce them in a consistent manner.
3. Communicate to students, parents, and administration.
  - a. course objectives and requirements
  - b. grading procedures
  - c. assignment deadlines
  - d. student expectations
  - e. classroom discipline plan
4. Communicate regularly with students, parents and other teachers concerning growth and achievement.
5. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. Report incidents of discrimination and 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.

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### Expectations for School Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselors conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain and encourage 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/gender identity, 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.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### Expectations for Other School Personnel

1. Support educational and academic goals.
2. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
3. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
4. Assist in promoting a safe, orderly and stimulating school environment.
5. Maintain confidentiality about all personal information and educational records concerning students and their families.
6. Maintain and encourage 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/gender identity, 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.
7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### Expectations for Principals

1. Promote a safe, orderly school environment, supporting active teaching and learning.
2. Ensure their accessibility to students, staff and parents.
3. Evaluate on a regular basis all components of instructional programs.
4. Support the development of student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the West Seneca Schools Code of Conduct and ensuring that all cases are resolved promptly and fairly, and when necessary, appropriately documenting actions.
6. Maintain and encourage 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/gender identity, 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.
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

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### Expectations for the Superintendent

1. Promote a safe, orderly, respectful, and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the Board of educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher's needs.
5. Work with district administrators in enforcing the West Seneca Schools Code of Conduct and ensuring that all cases are resolved promptly and fairly.

### Board of Education

1. Collaborate with students, teachers, administrators, parent organizations, school safety personnel and other school personnel to develop a West Seneca Schools Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors and school property and school authorized functions.
2. Approve and review at least once a year the West Seneca Schools Code of Conduct to evaluate its effectiveness and fairness and consistency of its implementation.
3. 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/gender identity, 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

## STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use by the building principal or his/her designee. While students are permitted to have such devices during in school, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved.

All personnel should exemplify and reinforce acceptable student dress and behavior (including use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

## DRESS CODE/CIVILITY

The West Seneca Central School District will adhere to the CDC, New York State Department of Health, and local Department of Health guidance and recommendations that all persons will wear face coverings in all district schools, buildings, school facilities and while transported on school busses, especially when other social distancing measures are difficult to maintain.

All students are expected to be well groomed and neatly dressed at all times. We take pride in the appearance of our students. Student dress shall in no way be so extreme as to be distracting or disruptive to the educational process of the school. The following will be considered as unacceptable dress for our students:

1. Messages on clothing or face covering, jewelry, and personal belongings that relate to drugs, alcohol, tobacco, sex, vulgarity, or that reflects adversely upon persons because of [their race or ethnic group] any one of their protected rights are not permitted.
2. Displaying of undergarments (bras, boxers, underwear, etc.) is not permitted.
3. Headwear (e.g. hats, bandanas, etc.) may not be worn in the building unless for medical or religious reasons.
4. Footwear is required at all times and must be safe
5. Wearing of a scent that has negative impact on others.

NOTE: Each building principal shall be responsible for informing all students and their parents of the dress code at the beginning of the school year.

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

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### PROHIBITED STUDENT CONDUCT

District personnel, who interact with students, are expected to use disciplinary action when necessary and regularly reinforce the students' ability to grow in self-discipline. 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:

A. Engage in conduct that is disruptive, insubordinate or disorderly.

Examples of this conduct include, but not limited to:

1. Running in hallways;
2. Making unreasonable noise;
3. Obstructing vehicular or pedestrian traffic;
4. Engaging in any willful act which disrupts the normal operation of school;
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend without the permission from the administrator in charge of the building;
6. Failing to comply with the directions of teachers, administrator or other school employees in charge of students, or otherwise demonstrating disrespect;
7. Lateness for or leaving school without permission;
8. Skipping detention;
9. Wearing of coats, jackets, etc. during the school day.
10. Possession or use of a laser pointer;
11. Truancy;
12. Possession of drugs, drug paraphernalia, with or without the intent to sell.
13. Using the District computer system (DCS) in any way that might disrupt the use of the DCS by others. Examples of this include, but are not limited to, downloading extensive files, transmitting or propagating malicious code such as a virus, Trojan horse, worm, script, batch file, or macro, Sending mass e-mail messages. To include, but not limited to:
  - a. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.
  - b. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
  - c. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
14. Attempting to gain unauthorized access to any files, resources, or computer.
15. Engage in any form of harassment (BOE POLICY 8242)
16. Attempts to commit the various acts specified

B. Engage in conduct that is violent.

Examples of violent conduct include but are not limited to:

1. Committing an act such as hitting, kicking, punching, biting and scratching upon any school employee, student or upon other persons lawfully on school property.
2. Possessing a weapon as defined by the West Seneca Schools Code of Conduct (page 2)
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of any district employee or any person on school property.
6. Intentionally damaging or destroying school district property, including District computer systems and data.
7. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student, employee or visitor to fear for his or her physical well-being.
8. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) 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.

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

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

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or other persons lawfully on school property.  
This includes data, equipment, and intellectual property.
3. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature, as defined in the district's policies 6121 and 7551.
4. Selling, using or possessing obscene material.
5. Possessing and/or using any tobacco or other drug related paraphernalia or any facsimile thereof including electronic cigarettes (e-Cigs) and related (e-Cigs) paraphernalia. (Special Alert - Paraphernalia may be disposed of at the building level).
6. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Illegal substances include but are not limited to inhalants; marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids, and any substances commonly referred to as designer drugs.
7. Inappropriately using or sharing prescription and over-the-counter drugs.
8. 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.).
9. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, weight, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function.
10. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
11. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
12. Use of a camera device, including cell phones or personal digital assistants (PDA's), to photograph another person, possess and/ or transmit in order to entertain at another's expense, to harass, intimidate, or bully another person or to invade their privacy in any way, including but not limited to "sexting".
13. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
14. Using vulgar or abusive language, cursing or swearing.
15. Indecent exposure of private parts of the body [in a lewd or indecent manner.] including knowingly participating in activities such as, but not limited to, "sexting". "Sexting" defined as using technology to send or request inappropriate photos from another individual. It also involves sending or requesting inappropriate communications that are sexual in nature and/or content.
16. Initiating a report of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. Gambling and gaming instruments such as dice and cards.
18. Infringing on any copyrights or other intellectual property rights including copying, installing, receiving, transmitting or making available any copyrighted property on the District computer system.
19. Revealing any personal information of oneself or another person, including but not limited to, name, account number, password, address, or telephone number.
20. Participation in Hazing.

## **WEST SENECA CENTRAL SCHOOL DISTRICT CODE OF CONDUCT**

D. 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, fighting, harassment and discrimination will not be tolerated.

Students at the bus stop are expected to conduct themselves in accordance with the district West Seneca Central School District Code of Conduct.

E. Engage in any form of academic misconduct.

Examples include but are not limited to:

1. Plagiarism
2. Cheating
3. Altering Records
4. Accessing other users e-mail accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
5. Violation of the District Acceptable Use Policy for technology
6. Assisting another student in any of the above actions

## **REPORTING VIOLATION OF THE CODE OF CONDUCT**

The building principal must notify the appropriate local law enforcement agency of those West Seneca Schools Code of Conduct violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than 24 hours after [the close of business the day] the principal learns of the violation. The notification may be made by telephone and may be followed by a letter. The notification must identify the student(s) and explain the conduct that violated the West Seneca Schools Code of Conduct and constituted a crime.

## **DISCIPLINARY PROCEDURES AND PENALTIES**

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

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

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### PENALTIES

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

- Verbal warning – any member of the district staff
- Written warning – bus driver, hall, lunch, study hall monitors, teachers, and administration
- Written notification to parent – bus driver, hall, lunch study hall and lunch monitors, teachers and administration
- Detention – administration and teachers
- Suspension from transportation – administration
- Suspension from athletic participation – administration
- Suspension from social or extracurricular activities – administration
- Suspension from District computer resources- administration
- Suspension of other privileges – administration
- In-school suspension – administration
- Removal from classroom – teachers, administration
- Short-term suspension (five days or less) – administration
- Long-term suspension (more than five days) – Superintendent, Superintendent's designee
- Permanent suspension from school – Superintendent, Board of Education
- Restitution, community service and/or outside intervention – Administration

### PROCEDURES

Due process is a student's right. 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 a verbal warning, written warnings, written notification to their parents or detention), are entitled to additional rights before the penalty is imposed. These rights are explained below.

#### Detention

Teachers and administration may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

#### Teacher Disciplinary Removal of Disruptive Student

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 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. Such practices may include, but not be limited to: a short-term "time-out" in an elementary classroom or in an administrator's office)

On occasion, a student's behavior may become disruptive. For purposes of this West Seneca Schools 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 non-willingness to comply with the teacher's instructions or repeatedly (i.e. three or more times) violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to four (4) consecutive school days, the first day being any part of the period that a student is removed from. The removal from class applies to the class of the removing teacher only. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed.

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Scenario I A student refuses to stop talking to a classmate after being requested to do so by the teacher for the third time. Following the first warning, the student was moved to another location in the classroom. Following the second warning, the teacher informed the student that the student would be asked to leave the classroom, if a further disturbance occurred. Following the third disruption to the lesson, the teacher verbally informs the student that he/she will not be allowed to return to the classroom for one day which is consistent with the range of consequences included in the code of conduct.

Scenario II A student ignores a teacher's initial verbal warning to stop talking to a classmate. Following a second verbal warning, the student calls the teacher a derogatory name. The teacher immediately requests the student to leave the classroom and report to the principal's office. Prior to the student leaving the classroom the teacher verbally informs the student that the student may not return to the classroom for two days, which is consistent with the range of consequences included in the code of conduct.

Scenario III A student with a disability engages in antagonistic behavior with another student. (The student has not been previously removed from the classroom.) When the teacher verbally informs the student to immediately stop such behavior, the student approaches the teacher and threatens to physically touch the teacher. The teacher immediately requests the student to leave the room and verbally informs the student that a three-day classroom removal will be imposed for such behavior. (In the case of a student with a disability, a teacher will be previously informed.)

Scenario IV Antagonistic. The behavior of a student appears to present possible or imminent physical harm to another warrants up to a four (4) day consecutive school day removal.

Following each incident involving removal of a student from a classroom, the teacher must submit a written form, describing the evidence to substantiate the removal to the principal within 24 hours (one school day). The teacher's evidence supporting the disruptive behavior should be objectively stated provide appropriate and adequate information, and include steps the teacher took to address the behavior or a clear reason why no such steps were attempted.

If the disruptive student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher should, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within 24 hours. The teacher must complete a district established disciplinary removal form and meet with the principal/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 forms. \* Under normal circumstances, prior to initiating the removal process, the teacher must notify the parent of a potential removal.

Prior to the Principal's parent contact, the removing teacher shall make a reasonable attempt to contact the student's parents to explain the circumstances of the student's removal. Within 24 hours, written notification of the student's removal will be mailed home to the student's parent. The notice will inform the parent that they have the right, upon request, to meet informally with the principal/designee and the teacher to discuss the reasons for the removal. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting a parent.

The principal/designee may require the teacher, who ordered the removal, to attend the informal conference during the workday. If at the informal meeting the student denies the charges, the principal/designee will explain why the student was removed and give the student and parent a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the meeting may be extended by mutual agreement of the parent and principal.

The principal/designee may only overturn the removal of the student from class if the principal finds any one of the following:

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

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The principal/designee may overturn a removal at any point (pursuant to reasons outlined in the paragraph above) between receiving the referral form issued by the teacher and the end of the school day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the 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 teacher shall be offered continued educational programming until they are 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 their class.

Note: Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement.

### **Suspension from transportation**

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building administrator's attention. Students, who become serious disciplinary problems, may have their privileges suspended by the building principal. In such cases, the student's parent will become responsible for seeing that their 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 assigned a suspension from transportation is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal to discuss the conduct and the penalty involved.

### **Suspension from athletic participation, extra-curricular activities and other privileges**

A student assigned 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 administrator imposing the suspension to discuss the conduct and the penalty involved.

### **Suspension from District computer resources**

A student assigned a suspension from District computer resources 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 administrator imposing the suspension to discuss the conduct and the penalty involved.

### **In-School Suspension**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorized building principals to assign in-school suspension for students who would otherwise be suspended from school as the result of a West Seneca Schools Code of Conduct violation. In-school suspension is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive a substantially equivalent education.

A student assigned 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 administrator imposing the sanction to discuss the conduct and the penalty involved.

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### 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.

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 a violent student to the principal or the superintendent for a violation of the code of conduct. All recommendations and referral 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 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.

#### **1. Short-term (five days or less) Suspension from School**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide and explanation of the basis for the proposed suspension. Within 24 hours, written notification of the student's suspension will be mailed home to the student's parent. 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 parent.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

#### **2. Long-Term (more than five days) Suspension from School**

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

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

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

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### 3. Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses an extremely serious 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.

#### Minimum Periods of Suspension

- A. 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 would 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.
- B. The superintendent is required to refer the following students to the County Attorney (or the appropriate law enforcement authorities) for a juvenile delinquency proceeding before the Family Court.
- a. Any student under the age of 16 who is found to have brought a weapon to school, or
  - b. Any student 14 or 15 years old qualified for juvenile offender status under the Criminal Procedure Law.

The superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possess a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on school grounds or school authorized functions (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile status under section 1.20 of the Criminal Procedure Law.

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

- C. Students who engage in violent conduct other than bringing a weapon to school.  
Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a 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.
- D. Students who repeatedly and substantially disrupt the educational process or repeatedly and substantially interfere with the teacher's authority over the classroom

Any student, other than a student with a disability, who engages in conduct, which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, could be suspended from school for up to five days. If the proposed penalty is up to a five-day suspension, the student and student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one year suspension for possessing a weapon.

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### ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or student of compulsory 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.

### DISCIPLINE OF STUDENTS WITH DISABILITIES

#### A. Authorized Suspension or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions shall apply:

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension. Removal also includes placement into an interim alternative educational setting ("IAES").

An "IAES" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, which enables the student to continue to progress in the general curriculum, although in another setting, and to continue to receive the services and modifications described in the student's individualized education program ("IEP"). In addition, the services and modifications provided to the student while in an IAES should address the behavior that precipitated the IAES placement and be designed to prevent the behavior from recurring.

2. District personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The board of education, superintendent of schools, BOCES district superintendent of schools, or a building principal may suspend a student with a disability or order the placement of a student with a disability into an IAES for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. Subject to the rules in this section of the code of conduct, including the change of placement rule described below and the requirement to conduct a superintendent's hearing for suspensions or removals in excess of five school days, the superintendent may order the placement of a student with a disability into an IAES, to be determined by the committee on special education ("CSE"), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, has inflicted bodily injury upon another person at school, or knowingly possesses or used illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - c. Subject to specified conditions required by both federal and state law regulations, an impartial hearing officer may order the placement of a student with a disability into an IAES, to be determined by the CSE, for up to 45 school days at a time, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

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### B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current education placement that is either:
  - a. for more than 10 consecutive school days; or
  - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The district shall determine, on a case-by-case basis, whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.
2. Generally, district personnel may not suspend or remove a student with a disability if the imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals. District personnel may, however, impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the manifestation determination review team determines that the student's behavior was not a manifestation of the student's disability, or the student is placed into an IAES for behavior involving weapons, illegal drugs or controlled substances, or that resulted in the infliction of bodily injury upon another person at school.

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

1. A manifestation determination review meeting must be held for a student with a disability, or a student presumed to have a disability pursuant to 8 NYCRR § 201.5, within ten (10) consecutive school days after a decision is made by the superintendent of schools or an impartial hearing officer to place the student in an interim alternative educational setting pursuant to either 8 NYCRR § 201.7(e), § 201.8, or to impose a removal from the student's educational placement that constitutes a disciplinary change in placement in accordance with federal and state law and/or regulation.
2. Prior to the manifestation determination review meeting, the parent of the student shall be mailed written notification of the manifestation determination review meeting, which shall inform the parent of the purpose of the manifestation determination review meeting, the names of the individuals expected to attend, and of the parent's right to have relevant members of the CSE participate at parent's request.
3. The manifestation determination review team ("manifestation team") shall consist of a representative of the district knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE. The manifestation team must review all relevant information in the student's file including the student's current IEP, any teacher observations, and any relevant information provided by the parent to determine if:
  - a. The conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
  - b. The conduct in question was the direct result of the school district's failure to implement the student's IEP.
4. If the manifestation team determines that the student's conduct was not a manifestation of the student's disability, the student may be disciplined in the same manner as a nondisabled student. During the period of the student's suspension, the student shall be provided instructional services in accordance with 8 NYCRR § 201.10 and shall be allowed to continue to participate in the general education curriculum and progress towards meeting the annual goals in the student's IEP.

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5. Where the manifestation team determines that the student's conduct was a manifestation of the student's disability, the district will conduct a functional behavioral assessment, if one has not yet been conducted, and implement or modify a behavioral intervention plan for the student. The student must promptly be returned to the placement from which the student was removed, unless the parent of the student and the district agree to a change of placement as part of the modification of a behavioral intervention plan or pursuant to the procedures outlined in 8 NYCRR § 201.7 or § 201.8.

6. If the manifestation team determines that student's conduct was a manifestation of the student's disability, the student may still be placed into an IAES, to be determined by the CSE, if the district follows the procedures and satisfies the substantive eligibility requirements for an IAES set forth in 8 NYCRR § 201.7 or § 201.8.

7. Pursuant to 8 NYCRR § 201.7 or § 201.8, the superintendent of schools, either directly or pursuant to a recommendation of a hearing officer designated to conduct a superintendent's suspension hearing may order a change in placement to an appropriate IAES, to be determined by the CSE, for up to forty-five (45) school days, but not to exceed the period of suspension ordered by the superintendent or the hearing officer, if the student:

- a. Has inflicted bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty upon another person while at school, on school premises or at a school-sponsored or school-authorized extra-curricular event or activity;
- b. Carries or possesses a weapon to or at school, on school premises, or to or at a school function;  
or
- c. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function.

8. The parent of a student who is facing disciplinary action, but who has not been determined to be eligible for services under the IDEA and Article 89 of the Education Law at the time of the misconduct, shall have the right to invoke the applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating the disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- a. The superintendent of schools, building principal or other person imposing the suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- b. Except as otherwise provided in subdivision (c) below, a student shall be presumed to have a disability for discipline purposes if, prior to the time the behavior occurred:
  - (i) The parent of the student expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency or to a teacher of the student that the student is in need of special education, provided that such expression of concern may be oral if the parent does not know how to write or has a disability that prevents a written statement;  
or
  - (ii) The parent of the student requested a CSE or Committee on Preschool Education ("CPSE") evaluation of the student; or
  - (iii) A teacher of the student, or other personnel of the school district, expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the director of special education of the school district or to other supervisory personnel of the school district.

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C. Notwithstanding the above, a student shall not be presumed to have a disability for discipline purposes if:

- (i) The parent of the student previously did not allow an evaluation of the student by the CSE or CPSE; or
- (ii) The parent of the student previously refused special education or related services; or
- (iii) The CSE or CPSE previously determined that the student was not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual CSE or CPSE evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student, who is not a student presumed to have a disability for discipline purposes, shall remain in the educational placement determined by the district, which can include suspension. If, as a result of an expedited evaluation, the student is determined to be a student with a disability, the student shall be entitled to the procedural safeguards afforded to students with disabilities during the discipline process, including the right to a manifestation determination review meeting if the other conditions for holding such a meeting are met.

9. The district shall provide parents with notice of a disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability into an IAES for misconduct involving weapons, illegal drugs or controlled substances or that resulted in the infliction of bodily injury upon another person at school; or because maintaining the student in his/her current educational setting is substantially likely to result in injury to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguard notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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

11. Superintendent's hearings on disciplinary charges against a student with a disability subject to a suspension of more than five school days shall be divided into a guilt phase and penalty phase in accordance with the procedures set forth in 8 NYCRR § 201.9.

12. During any period of suspension or removal, including placement into an IAES, students with disabilities shall be provided services in accordance with 8 NYCRR § 201.10 and shall be allowed to continue to participate in the general education curriculum and progress towards meeting the annual goals set out in the student's IEP.

### D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified in 8 NYCRR § 201.11 if:

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability into an IAES, to be determined by the CSE, where school personnel submit that the student is substantially likely to injure himself or others if he remains in his current educational placement. This includes requests by a school district while an impartial due process

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hearing is pending for the placement of a student into an IAES during the pendency of the proceedings.

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

2. During an expedited due process hearing or appeal regarding the placement of a student into an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.

3. The following procedural rules shall apply to expedited due process hearings:

a. A resolution meeting shall occur within seven days of receipt of the due process complaint, unless the parent and school district agree in writing to waive the resolution meeting or agree to use mediation.

b. The expedited due process hearing may proceed unless the matter is resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint.

c. The expedited due process hearing shall occur within 20 school days of the date the complaint requesting the hearing is filed.

d. The impartial hearing officer shall make a determination within 10 school days after the hearing.

e. No extension to an expedited impartial hearing timeline may be granted.

f. The impartial hearing officer shall mail a copy of the written, or, at the option of the parents, electronic findings of fact and the decision to the parents, to the board of education and to the Office of Special Education of the New York State Education Department within 10 school days after the expedited hearing.

### E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a student with a disability to appropriate authorities, and such action shall not constitute a change of the student's placement.

2. The superintendent of schools shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted for consideration to the appropriate authorities to which a crime is reported, when appropriate and permissible under the law.

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

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

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

### STUDENT SEARCHES AND INTERROGATION

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 West Seneca Schools Code of Conduct. 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. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, and principals 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 West Seneca Schools Code of Conduct.

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

An authorized school official may search the student's belongings based upon information received from a reliable informant.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the district West Seneca Schools Code of Conduct, 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 the students present when their possessions are being searched.

A. Student Lockers, Desks, Computer network accounts, and other School Storage Places  
The rules in this West Seneca Schools Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, computer network accounts, 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 network accounts, 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.

B. Documentation of Searches  
The authorized school official conducting the search shall be responsible for promptly recording all appropriate information about each search.

The building principal/designee shall be responsible for the custody, control and disposition of any illegal or dangerous items taken from the student. The principal/designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) are turned over to the police. They will also be responsible for personally delivering dangerous or illegal items to police authorities.

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### C. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority (as per BOE policy 7330) to interview or search students in school or at school functions.

### D. Child Protective Services Investigation

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

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

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

## 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/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 office upon arrival. There they 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 ID badge to the designated area 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 classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in the West Seneca Schools Code of Conduct.

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### 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 environment, it is necessary to regulate public conduct on school property and at school functions. For the purposes of this section of the West Seneca Schools Code of Conduct, *public* shall mean all persons when on school property or attending a school function, including students, teachers, district personnel, and visitors. The purpose of this West Seneca Schools Code of Conduct 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 are expected to be properly attired for the purpose they are on school property.

#### A. Prohibited Conduct

No person shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy district property or the personal property of a 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.
4. Distribute or wear materials on school grounds or at school function that are obscene, advocate illegal action, appear libellous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or 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 of identifiable school district officials performing their duties.
14. Wilfully incite others to commit any of the acts prohibited by the code.
15. Attempt to intentionally disrupt, crash, vandalize, transmit, and/or receive data or access without authority, network, phone systems, and related services and data.
16. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
17. Participate in any other action not listed above that is prohibited by this code for staff or students that, in doing so creates a disturbance to an orderly school environment.

#### B. Penalties

Persons who violate this West Seneca Schools Code of Conduct shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 3020-a or any other legal rights they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Law 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions #3 and

## WEST SENECA CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

#4. They shall be subject to a warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### C.Enforcement

The building principal/designee shall be responsible for enforcing the conduct by this West Seneca Schools Code of Conduct.

When the building principal/designee sees an individual engaged in prohibited conduct, which in his or her judgement does not pose any immediate threat of injury to persons or property, the principal shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## DISSEMINATION AND REVIEW

### A. Dissemination of the Code of Conduct

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

1. Provide a public hearing prior to Board approval and/or any revision of the Code of Conduct.
2. Providing copies of a summary of the West Seneca Schools Code of Conduct to all students, in an age-appropriate, plain language version, at a general school assembly held at the beginning of each school year;
3. Making copies of the West Seneca Schools Code of Conduct available to all parents at the beginning of the school year;
4. Providing a summary of the West Seneca Schools Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request;
5. Providing all current teachers and other staff members with a copy of the West Seneca Schools Code of Conduct and a copy of any amendments to the West Seneca Schools Code of Conduct as soon as practicable after adoption;
6. Providing all new employees with a copy of the current West Seneca Schools Code of Conduct when they are first hired;
7. Making copies of the West Seneca Schools Code of Conduct available for review by students, parents, and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the West Seneca Schools 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.

The Board will review this West Seneca Schools 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 West Seneca Schools Code of Conduct has been applied fairly and consistently.

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