

# POLICY

Student Code of Conduct 7310  
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Adopted 07.11.11

## I. INTRODUCTION

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

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

The Board recognizes the need to clearly define these expectations for acceptable conduct on Westhill Central School property, identify the possible consequences of unacceptable behavior, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct ("code").

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

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

**Disruptive student** - a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

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Repeatedly and Substantially Disruptive of the Educational Process or Substantially Interferes with the Teacher's Authority Over the Classroom - This means engaging in conduct which results in the student's "removal" from the classroom by a teacher or teachers on four or more occasions during a semester.

**Parent** - the biological, adoptive or foster parent, guardian or person in parental relation to a student.

**Westhill Central School property** - in or within any building, structure, play area, parking lot or land contained within the real property boundary line of a Westhill Central School facility, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.5.

**Westhill Central School function** - any Westhill Central School-sponsored or school-authorized extra-curricular event or activity, regardless of where such event or activity takes place.

**Violent student** - a student under the age of 21 who may be described by any of the clauses below:

1. Commits an act of violence upon a Westhill Central School employee.
2. Commits, while on Westhill Central School property or at a Westhill Central School function, an act of violence upon another student or any other person lawfully on Westhill Central School property or at a Westhill Central School function.
3. Possesses, while on Westhill Central School property or at a Westhill Central School function, a weapon (see definition below).
4. Displays, while on Westhill Central School property or at a Westhill Central School function, what appears to be a weapon.
5. Threatens, while on Westhill Central School property or at a Westhill Central School function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any Westhill Central School employee or of any person lawfully on Westhill Central School property or at a Westhill Central School function.

7. Knowingly and intentionally damages or destroys Westhill Central School property.

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

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### A. STUDENT RIGHTS

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

1. A safe, healthy, orderly and civil learning environment.
2. Take part in all Westhill Central School activities on an equal basis regardless of age, race, religion, color, national origin, gender, sexual orientation or disability.
3. Present their version of the relevant events to Westhill Central School personnel authorized to impose a disciplinary penalty as in connection with the imposition of the penalty.
4. Receive the Westhill Central School rules and to receive an explanation of those rules from Westhill Central School personnel.

#### B. STUDENT RESPONSIBILITIES

All Westhill Central School students have the responsibility to:

1. Contribute to maintaining a safe and orderly learning environment that is conducive to learning and to show respect to other persons and to property.

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2. Be familiar with and abide by all Westhill Central School policies, rules and regulations dealing with student conduct, including but not limited to those policies that are specifically referenced in this code.
3. Attend classes every scheduled day unless legally excused, and to be on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other Westhill Central School personnel in a respectful, positive manner.
6. Ask questions when they do not understand.
7. Seek help in solving problems.
8. Dress appropriately for class and Westhill Central School functions.
9. Work to develop mechanisms to control anger.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of Westhill Central School when participating in or attending Westhill Central School events, on or off campus, and to hold themselves to the highest standards of conduct.
12. Report all acts and/or threats of violence, including threats of suicide, of which they are aware to a teacher, counselor, building principal or assistant principal.

**IV. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS IN EDUCATION**

**A. PARENTS**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the educational community.
2. Send their children to educational programs ready to participate and learn.
3. Ensure their children attend class regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know Westhill Central School rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and Westhill Central School.
9. Build good 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 for study and ensure homework assignments are completed.

**B. TEACHERS**

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know the Westhill Central School Code of Conduct, and be responsible for carrying out the code in a fair and consistent manner.
5. Help students to understand the Code of Conduct through modeling, practice opportunities and reinforcement.
6. Communicate the following to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom and/or building discipline plan.
7. Communicate regularly with students, parents and other teachers concerning student growth and achievement.

**C. GUIDANCE COUNSELORS, PSYCHOLOGISTS AND SOCIAL WORKERS**

All Guidance Counselors, Psychologists and Social Workers are expected to:

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

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2. Initiate teacher/student/counselor conferences and parent-teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. BUILDING ADMINISTRATORS

All Building Administrators are expected to:

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

E. SUPERINTENDENT

The Superintendent is expected to:

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

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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 Westhill Central School Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

**F. BOARD OF EDUCATION**

The Board of Education is expected to:

1. Collaborate with student, teacher, administrator, and parent organizations, Westhill Central School safety personnel and other Westhill Central School personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, Westhill Central School personnel and visitors on Westhill Central School property and at Westhill Central School functions.
2. Adopt and review, at least once each year, the Westhill Central School code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.

**V. STUDENT DRESS CODE**

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

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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, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Students are not permitted to wear hats, hoods, bandanas, headbands, other head coverings, or coats in the building during the school day.
6. Not include items that are vulgar, obscene, libelous, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Not display signs of gang affiliation.

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

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical replacing it with an acceptable item. Any student who refuses to do so shall be subject to appropriate discipline. 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. BEHAVIORAL EXPECTATIONS AND DISCIPLINARY PROCEDURES BY SCHOOL**

### **INTRODUCTION**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, Westhill Central School personnel and other members of the educational community, and for the care of Westhill Central 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. Westhill Central 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.

The Board recognizes the need to make its expectations for student conduct while on Westhill Central School property or engaged in a Westhill Central School-sponsored function specific and clear. The rules of conduct listed in the following sections are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these rules will be required to accept the penalties for their conduct.

As will be evident in the following sections, our expectations for all district students are based on respect and civility, and upon our intention that the abilities of our staff and students to perform their respective educational duties are not to be impaired in any way by student misbehavior. The specific rules, and the penalties for particular violations, are not the same among the schools. However, these sets of expectations demonstrate that, as students grow older, it is anticipated that they will show a higher degree of self-discipline and maturity; consequences thus become more severe for students in the higher grades. In addition, and as a general rule, discipline will be progressive. In other words, a student's subsequent similar violations will usually merit a stiffer penalty than the first violation.

Among the determinants, therefore, of the consequence to be imposed for any violation of this code are: 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/or others, as appropriate; and other extenuating circumstances.

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If the conduct of a student is related to a disability or suspected disability, the student may be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **WALBERTA PARK SCHOOL**

At Walberta Park School, a proactive approach to student conduct is used. A number of opportunities, both in the classroom and school-wide, are provided to teach children appropriate behaviors. This is done through modeling, and follow-through is provided through positive reinforcement of appropriate behaviors. Our character education program promotes respectful, responsible, and cooperative actions.

It is important that a code of conduct is understood by students to enable them to practice the desired behaviors. Therefore, the following "Walberta Promise" was established as the code for our primary school.

#### **The Walberta Promise**

I promise...

1. to do my best to learn and to help others learn.
2. not to hurt others on the inside or the outside.
3. to be respectful and responsible.

#### **Consequences**

At the primary level, consequences for inappropriate behavior will include the following:

- verbal reminders
- sitting in a time out area
- loss of a privilege
- apologies in verbal or written form
- notification of parents
- conference with the principal
- implementation of a behavior modification program
- suspension from school

The selection of the appropriate consequence will include consideration of the following:

- consistency of the inappropriate behavior
- nature of the inappropriate behavior

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- circumstances leading to the inappropriate behavior
- age-appropriateness of the behavior
- pertinent information from parents and school personnel
- extent to which prior consequences have been effective
- extent to which the inappropriate behavior interfered with the safety, learning and property of others.

**CHERRY ROAD SCHOOL**

The Cherry Road School Code of Conduct was developed with the input of the entire staff and as an outgrowth of our Character Education Program which is called: “WE CARE: *We Explore Character: Accepting Responsibility and Excellence*”. We study the following character traits: Kindness & Courtesy; Thankfulness & Generosity; Acceptance & Tolerance; Honesty & Trustworthiness; Fairness & Sportsmanship. Through a variety of lessons and activities throughout the year these traits are taught. Children learn what is meant by respect and responsibility and to live our theme: “Do The Right Thing”. Our foundation is the Westhill Board of Education Policy #7310 on Student Conduct and Discipline.

It is imperative that the CRS Code of Conduct is followed in order to provide a positive, enriching and effective learning environment for all. Compliance with the Code and the “I Care” Pledge enables students to learn what good citizenship is and to become people of good character who will choose to “Do The Right Thing”. It is recited at the beginning of each school day.

**The Cherry Road School I Care Pledge**

I promise to be respectful, trustworthy, and fair.  
I will care about others and be a good citizen.  
I will take responsibility for my actions and work  
to the best of my ability.

I make this pledge to my family, friends, teachers and myself.

I care!

### **The Cherry Road Code of Conduct**

Students at Cherry Road are expected to choose to conduct themselves in an appropriate and respectful manner at all times. The following states our specific expectations:

- Always cooperate with school adults by following instructions given by them.
- Remove hats upon entering the building.
- Walk quietly and safely in all areas of the school by not running and staying to the right in the halls and on the stairs.
- Maintain the personal space of others by keeping hands and feet to yourself.
- Use only acceptable language and tone when talking to adults and other students.
- Keep our school and playground peaceful and safe by not bothering others or fighting and by being patient.
- Show respect for our school by keeping all areas of the school neat and clean and by using materials and equipment correctly.
- Choose to make our school a positive place for learning by following the "I Care" Pledge.

At this intermediate level we expect the parents of our students to take an active role in seeing that their children are dressed appropriately for the learning place of school. This would include students arriving at school in appropriate dress which will not disrupt or interfere with the educational process. The term "appropriate dress" includes proper clothing and footwear for the weather; modest garments which fit well; as well as refraining from items which are vulgar, obscene, libelous; that denigrate others; that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage poor sportsmanship and/or violent activities.

### **Consequences**

At the intermediate level most discipline takes place in the classroom. However, consequences for inappropriate behavior can be implemented by all supervising staff members and will include such measures as:

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- verbal reminders
- removal from the situation
- removal of clothing/wearing clothing inside out
- assignment to lunch in the principal's office
- assignment to indoor recess
- loss of other privileges
- meeting between offenders and victims in an effort to learn conflict resolution techniques
- written and/or verbal apologies
- notification of parents (verbal and/or written form)
- conference with the principal
- conference with parents and school officials
- implementation of a behavior modification contract
- assignment to in-school suspension in the principal's office
- suspension from school

Consequences are imposed with consideration to situational circumstances and are usually accompanied with time provided for students to analyze how he/she could have chosen to behave in more appropriate ways. The following consequences are implemented in coordination with the situation at hand:

- the nature of the inappropriate behavior
- the circumstances leading to that behavior
- the number of times a specific student is involved in the behavior
- the extent to which prior consequences have been effective
- the extent to which the inappropriate behavior interfered with the safety, learning and property of others

Extreme behavior will circumvent lower-level steps to correct; consequences will involve the principal immediately.

**ONONDAGA HILL MIDDLE SCHOOL**

The following code outlines various offenses on school property or at a school function and the consequences that may result at Onondaga Hill Middle School. Middle School students span a wide range of ages and developmental maturity. Therefore, consequences are decided on a case-by-case basis and may increase in their severity for chronic offenders who violate the same rule repeatedly, or who show disregard for many rules.

**Levels of Consequences for Behavior-Related Offenses**

**Level I**

Options may include:

- Conference with student
- Warning/verbal reprimand
- Time Out
- Communication with parent
- Teacher detention (2:15 - 2:55 pm)
- Regular administrative detention (2:15 - 2:55 pm)
- Loss of privileges
- Restitution in accordance with law, from the parent/guardian and/or student for any costs or damages incurred by the District as a result of the student's misconduct.
- Referral to Counseling staff

**Level II**

Options may include:

- Administrative late detention (2:15 - 4:00 pm) If mutually agreed to by parents willing to provide transportation at 4:00 pm. Otherwise, an equivalent amount of regular detention (3 regular detentions) will be assigned
- Administrative hearing
- Loss of transportation privileges
- Removal from class
- 1-2 day out-of-school suspension

**Level III**

Options may include:

- 3-5 day out-of-school suspension
- Superintendent's Hearing

**Level IV**

Options may include:

- Alternative placement
- Expulsion

**General Offenses**

These items refer to behavior which disrupts the educational process or interferes with the teacher's authority in the classroom. Cursing, swearing, and the use of other vulgar language is not permitted, nor is attire which is deemed offensive or disruptive.

General disruptive behavior	Level I - II
Inappropriate attire	Level I - II
Use of profanity	Level I - II

**Attendance-Related Offenses**

These items refer to students who are late or absent from classes for unexcused reasons. Students must bring in absence excuses from home any time they miss all or part of a school day. Students are never permitted to leave school grounds during regular school hours unless they are picked up by a parent or guardian.

Unexcused tardiness to class	Level I - II
Unexcused tardiness to school	Level I - II
Cutting class	Level I - II
Truancy from school	Level II
Failure to bring in absence excuses	Level I - II
Leaving school grounds without permission	Level II - III

**Interaction With Others**

Respect is earned by the way a student responds to the teacher as well as to classmates. Students who treat others with respect will undoubtedly earn the respect of their teachers and peers. Students are not to threaten, intimidate, bully, make statements which may harm the reputation of others, or make others feel uncomfortable in the school setting.

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Disrespect to a peer	Level I - II
Disrespect to a staff member	Level II - III
Harassment <sup>1</sup> , threatening peers	Level I - IV
Cyberbullying and other forms of online harassment <sup>1</sup>	Level I - IV
Excessive public displays of affection	Level I - II
Defamation	Level I - II
Endangerment	Level I - II
Acts of intimidation	Level I – III
Hazing <sup>2</sup>	Level I - IV

**Insubordination**

Students may not refuse to follow reasonable requests of teachers, staff, or administration. Staff members deserve to be shown respect at all times.

Disrespect toward a staff member	Level II - III
Insubordination	Level I - III
Failure to identify oneself to a staff member	Level I - III
Failure to serve assigned consequences	Level I - II

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<sup>1</sup> The District’s full and complete policy pertaining to *Dignity for All Students: Prohibiting Harassment and Discrimination of Students* (Policy #7552) is set forth as Appendix “A” to this Code of Conduct, and is hereby expressly incorporated into this Code.

<sup>2</sup> The District’s full and complete policy pertaining to *Hazing* (Policy #7553) is set forth as Appendix “B” to this Code of Conduct, and is hereby expressly incorporated into this Code.

**Possession or Use**

The use or possession of tobacco products, lighters, alcohol, narcotics, firearms, or other dangerous weapons is strictly forbidden on school grounds, buses, school buildings, and school functions. Students who bring in other substances with the intent to fraudulently sell or claim as a narcotic, are also in violation of this code. The dispensing of any over-the-counter medications must be arranged with the school nurse. Failure to do so may result in disciplinary consequences. Students are not to bring in any item which is deemed to be disruptive to the educational process.

Violation of alcohol/narcotics policies <sup>1</sup>	Level III - IV
Possession of fireworks	Level II - III
Possession or use of tobacco products	Level I - II
Possession of a weapon	Level III - IV
Over-the-counter drug abuse	Level II - III
Violation of medication policies	Level I - II
Possession of any substance for "drug related" purposes	Level II - III
Possession of disruptive items	Level I - II

**Aggressive Behavior**

These items refer to unwanted and inappropriate verbal, written, or physical contact directed toward another person, including that of a sexual nature. Hostile confrontation between two or more students will not be tolerated.

Sexual harassment	Level I - IV
Harassment of a peer or staff member	Level I - IV
Fighting	Level II - IV
Assault	Level II - IV

<sup>1</sup> The District's full and complete policy pertaining to *Alcohol, Tobacco, Drugs and Other Substances (Students) Policy # 7320* is set forth as Appendix "C" to this Code of Conduct, and is hereby expressly incorporated into this Code.

**Miscellaneous**

These items vary in their level of severity.

Loitering	Level I - II
Trespassing	Level II - III
Theft	Level II - III
Gambling	Level I - II
Abuse of school property	Level I - II
Vandalism	Level II - II
Cheating, academic dishonesty, plagiarism	Level I - III
Inappropriate cafeteria behavior	Level I - II
Inappropriate bus behavior	Level I - II
Indecent exposure	Level II - III
Arson	Level III - IV
Bomb threats	Level III - IV
Intentionally reporting a false alarm	Level III - IV
Violation of district computer policy	Level I - II

**WESTHILL HIGH SCHOOL**

**Definitions**

**Instructional Assistance** - same time as Detention, sometimes referred to as teacher's detention. Assignment to "IA" can be by a teacher or an administrator.

**Detention** - after-school period, 2:16 - 2:55 PM. Students are only assigned to Detention by an administrator.

**Late Detention** - after-school period, 2:16 - 5:00 PM. Late Detention is the counterpart to other schools' In-School Suspension; however, students who are assigned to Late Detention miss no classes during the school day. Students are only assigned to Late Detention by an administrator.

**Suspension** - Exclusion from regular instruction of a student who is insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Notification** - in all cases in which a student is assigned to a Late Detention, a letter is sent to the parents by the Assistant Principal to inform them of the circumstances of the offense. A telephone conference is not required, except where noted. However, in all situations which result in a student's suspension from school, the student's parent or guardian will be notified in accordance with the rules set forth in Section IX of this code .

**School and Class Attendance and Punctuality**

Unexcused absence from school (truancy)

- first offense - Late Detention
- subsequent offenses - multiple Late Detentions
- if no excuse is presented for a claimed legal absence, it will be processed as unexcused within a week of the student's return to school.

Unexcused tardiness to school

- first offense – warning
- 2<sup>nd</sup> – 4<sup>th</sup> offenses – detention
- subsequent offenses – late detentions

Unexcused absence from class (i.e. - class cut)

- first offense - teacher assigns Instructional Assistance; parent is notified by letter from teacher
- second offense (same class) - late detention; warned of consequence of third cut; parent is notified by phone and by follow-up letter from Assistant Principal
- Subsequent Offenses – three late detentions

Unexcused tardiness to class

- first, second, third offense - teacher assigns Instructional Assistance;
- subsequent offenses - teacher assigns IA at his/her option, or the student may instead be referred to the Assistant Principal to be assigned detention(s); parent should be notified by teacher.

Unexcused absence from Study Hall

- first offense - detention, letter to parent from Assistant Principal
- second offense - two detentions, letter to parent from Assistant Principal
- subsequent offenses - late detention

Failure to return pass to Study Hall teacher

- first offense - warning, provided that student can verify whereabouts
- subsequent offenses - penalties for Study Hall cuts will be in effect

Leaving school without permission

- first offense - late detention, class cuts if appropriate; student loses free time if he/she has any, for a minimum of twenty weeks
- subsequent offenses - two late detentions, class cuts if appropriate, loss of free time if appropriate

Forgery of parent note or teacher pass

- first offense - two detentions, class cut if appropriate, loss of free time for a minimum of twenty weeks
- subsequent offenses - late detention, class cut if appropriate
- if a student leaves school as a result of the forgery, penalties for truancy will be in effect

**Disruptive Behavior**

Insubordination (refusal to follow the requests of staff members)- not repeatedly and substantially disruptive, not violent.

- first offense - depending on the nature of the insubordination - teacher assigned Instructional Assistance to suspension.
- subsequent offenses- late detention to suspension.

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Disorderly Conduct (classroom) - not repeatedly and substantially disruptive, not violent

- first three offenses - teacher assigns Instructional Assistance; offenses may be recorded in Main Office via referral; teacher should contact parent
- subsequent offenses - multiple detentions or late detention

Repeatedly and substantially disruptive or substantially interferes with the teacher's authority over the classroom/violent behavior in classroom

- student may be removed from class in accordance with Article VIII of this Code.
- Suspension from school as outlined in Article IX of this Code.

Disruptive behavior in Study Hall or hallway

- first offense - one or two detentions
- second offense - two detentions or late detention
- subsequent offenses - late detention to suspension and parent notified

Fighting

- first offense (after determination of blame and extent of each student's involvement) - penalty may range from exoneration and warning to suspension, parent notified; legal authorities may be contacted as appropriate
- second offense - suspension up to five days, parent notified, legal authorities may be contacted; more serious situation may be referred to Superintendent for further action

Using rude/disrespectful/profane language (when speaking to staff member or other adult visitor)

- lesser offenses may minimally require an apology, assignment to detention(s), Late Detention
- first offense (if profanity directed at staff member) - suspension not less than one day
- subsequent offenses - suspension of five days, conference with Principal and/or Superintendent

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Using rude/disrespectful/profane language (directed to, or in reference to another student)

- first offense – depending on severity of misconduct, penalty may range from warning to late detention to suspension
- subsequent offenses - penalty may include suspension from school

Using rude/disrespectful/profane language (casually - in halls, classrooms, in conversation with other students)

- first offense – depending on severity, penalty may range from warning to detention(s) to suspension
- subsequent offenses - penalty may range from detentions to late detention, to suspension

Physical harassment of another student

- first offense – depending on severity, penalty may range from a warning to late detention, to out-of-school suspension
- subsequent offenses - late detention to suspension

Harassment<sup>1</sup>: Peer Abuse/Cyberbullying<sup>1</sup>/Hazing<sup>2</sup>

- first offense – depending on severity, penalty may range from a warning to late detention to suspension
- subsequent offenses - late detention or suspension

Causing classroom disruption with cell phone, beeper, use of CD or tape player

- first offense – item will be confiscated by the teacher and sent to the Assistant Principal. Student may pick up the device at the end of the day.
- subsequent offenses – The device will be confiscated and parents will pick it up from the main office. Depending on the number of instances and the circumstances the student's actions may be considered insubordination and appropriate consequences will be administered which could include late detention to school suspension

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<sup>1</sup> The District's full and complete policy pertaining to *Dignity for All Students: Prohibiting Harassment and Discrimination of Students* (Policy # 7552) is set forth as Appendix "A" to this Code of Conduct, and is hereby expressly incorporated into this Code.

<sup>2</sup> The District's full and complete policy pertaining to *Hazing* (Policy # 7553) is set forth as Appendix "B" to this Code of Conduct, and is hereby expressly incorporated into this Code.

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Cafeteria - unruly/disrespectful behavior, to include but not limited to: leaving a mess behind, cutting in line, eating in hall

- first offense (depending on seriousness) - detention(s) or late detention
- second offense - detention(s) or late detention; student may be assigned to spend lunch period in the Main Office

Cafeteria - instigation of, or participation in a food fight

- first offense - late detention, required to clean up mess, assigned to eat lunch in Main Office, and depending on severity, suspension from school
- second offense - suspension from school, parent notified, assigned to eat lunch in Main Office

Disruptive and/or uncooperative behavior on school bus

- first offense - warning or detention(s), depending on nature of offense; parent may be contacted; more serious offenses may require penalty as described below
- second offense - late detention or suspension; student may be removed from all Westhill transportation for 30 days

Reckless/Dangerous Driving on School Property

- first offense - warning or detention(s), depending on nature of offense
- second offense - detentions, authorities notified if appropriate, parents notified, driving privilege revoked

Disruptive and/or uncooperative behavior at school function

- all offenses - penalty may be applied similarly to offenses listed above; student may be removed from the event, with no refund of any admission charge

### **Drugs and Alcohol**

Violation of the Drug and Alcohol Policy<sup>1</sup> - use and/or possession of drugs and/or alcohol at school, on school grounds, or at any school activity:

- first offense - five-day suspension from school, parents notified, authorities notified if appropriate, parent/student conference with Superintendent of Schools, and depending on the nature and severity of the drug or alcohol offense, long-term suspension from school.
- second offense (same school year) - parents notified, authorities notified if appropriate, parent/student conference with Superintendent of Schools
  - a. the suspension will be for a minimum of twenty (20) school days.
  - b. other conditions for reinstatement may be established by the Building Principal or Superintendent if deemed necessary to secure the health, safety or welfare of the student or of others
- The District's full and complete policy pertaining to the Student Extracurricular Code of Conduct set forth in the Student/Parent Handbook is hereby expressly incorporated into this Code for violations of the district's drug and alcohol policy.
- If the infractions occur over a period of more than one school year, the student will be suspended for a minimum of five (5) days and a Superintendent's hearing will be held, at which time a determination of any further consequence will be made.

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<sup>1</sup> **The District's full and complete policy pertaining to Alcohol, Tobacco, Drugs and Other Substances (Students) Policy # 7320 is set forth as Appendix "C" to this Code of Conduct, and is hereby expressly incorporated into this Code.**

### **Smoking**

Smoking in school, on school property, and/or at off-campus school activity

- first offense - two Late Detentions
- second offense - two-day suspension from school
- third offense - three-day suspension, parent conference with administrator
- fourth offense - five-day suspension and conference with Superintendent

Enabling another student to smoke (including, but not limited to, providing cigarettes or other tobacco products to another student)

- first offense - Late Detention
- subsequent offenses - two Late Detentions, notification of parent

Smoking on school bus

- penalties as assigned above
- in addition, student is removed from transportation for 30 days

### **Detention/Late Detention**

Failure to attend Detention (no legal excuse)

- first offense - two detentions; if either of these is missed, a Late Detention is assigned
- second, third offense - judgment of administrator - two detentions as above, or immediate assignment to Late Detention
- subsequent offenses - student is assigned to Late Detention

Failure to attend Late Detention (no legal excuse)

- first offense - student is suspended from school for one day
- subsequent offenses - student is suspended for two days or more

Tardiness to Detention or Late Detention

- first offense - warning, time to be made up
- subsequent offenses - an additional detention will be assigned

Disruptive behavior in Detention or Late Detention - includes eating, sleeping, talking, making noises

- first offense – detention

- subsequent offenses in Detention - Late Detention
- subsequent offenses in Late Detention - one-day suspension from school

### **Instructional Assistance Period**

Failure to attend assigned Instructional Assistance period

- first three offenses - student is re-assigned to IA and also assigned to one detention. If either is missed, Late Detention is assigned
- second three offenses - student is re-assigned to IA and also assigned to two detentions. If any is missed, Late Detention is assigned
- subsequent offenses - student is assigned to Late Detention

### **Student Use of Computerized Information Resources (Acceptable Use Policy #7315)**

- first offense - two detentions
- second offense - two detentions, removal of school internet use privileges
- depending on the nature and severity of the violation of District policy, suspension from school

### **Parking Lot/Unauthorized Areas**

Loitering in parking lot or other unauthorized area without permission during school hours

- first offense - student is assigned to two detentions, loss of free time if appropriate (whether or not the offense took place during the free time); if it can be determined that student was returning from having left school without permission, penalties for truancy will be in effect (see above). Similarly, if it is determined that the student was smoking (to include smoking in a car), the appropriate penalty for smoking shall be imposed.
- subsequent offenses - student is assigned to Late Detention. Student loses free time if appropriate.

### **Inappropriate Dress**

Criteria (any or all of the following) - too revealing; promoting drug/alcohol use or sexual activity; profane; generally distracting and/or disruptive to educational process (see section V of this code for further descriptions)

- first offense - warning, request to remove or cover the offending article; detention(s) if no compliance

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- second offense - detention(s), parent notified
- subsequent offenses - Late Detention, parent notified
- Suspension from school may also occur for a first, second or subsequent offense, under circumstances where a student's dress is exceptionally profane, vulgar or indecent or where the student persists in dressing inappropriately.

### **Academic Dishonesty**

- includes copying (plagiarizing) from other sources (including Internet sites) or allowing someone else to copy one's own work
- first and subsequent offenses - penalty may range from a warning to a late detention to suspension. Student should receive a zero for assignment; teacher should notify parent

### **Vandalism/Defacing School Property**

- penalty depends upon intent as well as seriousness of offense, from a warning to a suspension; authorities may be contacted
- student is responsible for financial restitution to the limit set by Education Law

### **Possession or Use of a Weapon**

- first offense – Parents notified; authorities contacted in accordance with Article IX, Subsection “D.” of this code; five-day suspension from school, and depending on the severity of the offense, referral to the Superintendent for hearing and possible long-term suspension from school
- second offense - suspension from school pending further action by Superintendent of Schools, authorities contacted

### **Activation of School Fire Alarm System (without due cause)**

- Minimum five (5) day suspension; authorities will be contacted, and Superintendent will be notified for consideration of Superintendent's hearing and possible long-term suspension from school
- second offense - suspension from school pending further action by Superintendent of Schools; authorities contacted

**Any Offenses Not Listed Above**

- penalty will be imposed appropriate to the offense, with notification of parents and/or authorities by an administrator if it is judged to be necessary

**Addendum**

The following offenses (i.e. - crimes) are itemized on the annual New York State BEDS Report, but are not included above. It is likely that, in the event of such incidents, a lengthy suspension would be imposed, along with criminal penalties. As listed, they include: homicide, rape, arson, kidnapping, assault and battery, bomb threat, threat of bio-terrorism, threat of harm to an individual.

**VII. REPORTING ILLEGAL ACTIVITIES**

Any student observing a student possessing a weapon, alcohol or illegal substance on Westhill Central School property or at a Westhill Central School function has the responsibility to report this information immediately to a teacher, a Westhill Central School administrator, or the Superintendent. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

A building administrator must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that constituted a crime.

## **VIII. TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE AND/OR VIOLENT STUDENTS**

### **Student Removal (Education Law 3214 (3-a))**

In accordance with Education Law 3214, teachers in the Westhill School District shall be provided with the authority to remove from their classrooms both disruptive and violent students. Student removals will be consistent with other disciplinary measures prescribed in this code of conduct.

### **Disruptive and Violent Students**

The definitions of “disruptive” and “violent” students are set forth in Section II of this code.

### **Teacher’s Role in Removing Students From Class**

If a teacher determines that a student presents a danger or an ongoing threat of disruption to the academic process, that teacher may remove the student from class immediately. The student should be sent to the office. Within twenty-four hours of removal, but preferably before the end of the day, the teacher must explain to the student in the presence of an administrator or designee, the reason for removal and provide an opportunity for the student to present his or her version of the events.

A violent or substantially disruptive student may be removed from class immediately. The principal and/or superintendent must be notified. A student that does not pose an immediate danger or ongoing threat of disruption to the academic process, but who violates the code of conduct, may also be removed from class by the teacher. However, two conditions must be met prior to the removal. The teacher must provide the student with a brief explanation of why he or she is being removed and the student must be given the opportunity to present his or her version of the event.

Within twenty-four hours of a student having been removed from a class, a school administrator must notify parents about the removal and the reasons for the removal. A phone call and follow up letter is recommended.

Parents may then request an informal conference with the principal to discuss the reasons for removal. This informal conference must take place within forty-eight hours of the student’s removal. The teacher’s presence at the meeting is strongly encouraged. The principal must make a determination by the close of business on the day following the informal conference to either uphold the removal or return the student to class.

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A principal has only four grounds upon which to overturn student removals. They are: a lack of substantial evidence; noncompliance with the law; inconsistency with the code of conduct; or when the conduct warrants suspension. Teachers do not determine the length of student removals. If the principal upholds a removal, its duration is determined by the code of conduct. Removing students for more than five days, because it constitutes a suspension, requires a formal hearing. Only principals, superintendents, and school boards have the authority to suspend students.

Students who have been removed from class will continue to receive educational programming. The teacher will coordinate that process in a location and manner determined by building administration.

Nothing in the removal from class process abridges the customary right and responsibility of teachers to manage student behavior in their classrooms. Short-term, time-honored classroom management techniques such as “time out” in an alternate location or in an administrator’s office, are not considered removals from class within the context of this code.

The removal of special education students from classrooms must be consistent with state and federal regulations. For example, suspensions or removals from class for a period exceeding ten days would constitute an illegal change of placement unless an appropriate hearing was held. During periods of removal from class, special education students will continue to receive the designated level of appropriate education required by law and designated on their IEP.

### **IX. 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.

All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All referrals shall be made in writing unless the conditions underlying the referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member.

The Superintendent or Principal, when processing a case for suspension, shall gather the facts

relevant to the matter and record them for subsequent presentation, if necessary.

A. SHORT-TERM (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 an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if Westhill Central School has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Principal at which the parent and the student who is subject to discipline shall be afforded the opportunity to explain their version of the events and to question the complaining witnesses against the student. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension 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 appeal to the Superintendent of Schools, who shall sustain or reverse the Principal's decision within five (5) business days. If the parents are unsatisfied with the Superintendent's determination, they must appeal to the Board of Education by filing a written appeal with the District Clerk within 30 calendar days from the date of the Superintendent's final decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the

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Board may be appealed to the Commissioner of Education. A parent who chooses to exercise his/her right to appeal to the Commissioner, must commence the appeal within 30 days from the Board's final decision.

B. LONG-TERM (MORE THAN FIVE DAYS) SUSPENSION FROM SCHOOL

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

The Superintendent shall personally hear and determine the proceeding or 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 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 30 calendar days from 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. A parent who chooses to exercise his/her right to appeal to the Commissioner, must commence the appeal within 30 days from the Board's final decision.

C. PERMANENT SUSPENSION

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, Westhill Central School personnel or any other person lawfully on Westhill Central School property or attending a Westhill Central School function.

D. SELECTED MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to Westhill Central School property or functions

Any student, other than a student with a disability, found guilty of bringing a weapon onto Westhill Central School property will be subject to suspension from Westhill Central School programs for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis.

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon or firearm to school, except a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.
- b. The Superintendent shall refer any pupil 16 years of age or older or a student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law, who has been determined to have brought a weapon to school, to the appropriate law enforcement officials.

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

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

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for a minimum of five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to

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

3. Disruptive Students – any student who is “repeatedly and substantially disruptive of the educational process or substantially interferes with a teacher’s authority over the classroom” shall be suspended from school for a period of not less than one day, subject to modification on a case-by-case basis.

E. 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, Westhill Central School will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

**X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever Westhill Central School authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

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

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- a. A "suspension" means a suspension pursuant to Education Law § 3214.
  - b. A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.
  - c. An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
- a. The Board, the District (Westhill Central School) Superintendent of Schools or a Building Principal delegated the authority to suspend students may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

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- c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except ... [for] a pocket knife with a blade of less than 2 1/2 inches in length."
  - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. CHANGE OF PLACEMENT RULE

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than 10 consecutive school days; or

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- 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 of such factors as the length of each suspension or removal, the total time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

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

1. The district's Committee on Special Education shall:
  - a. conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

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If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
    - a. The Superintendent, Building Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
    - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
      - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
      - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

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

The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

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

D. EXPEDITED DUE PROCESS HEARINGS

1. An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education incorporated into this policy, if:
  - a. Westhill Central School requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where Westhill Central School personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and Westhill Central School agree otherwise.
    - (2) If Westhill Central School personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the

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district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

**XI. 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 Westhill Central School or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of a Westhill staff member's functions, powers and duties, if that student has refused to refrain from further disruptive acts.

Whenever a school employee uses physical force against a student, the employee shall, within that same school day, make a report to the Superintendent, describing in detail the circumstances and the nature of the action taken.

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

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on Westhill Central School property and at Westhill Central 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. Students are not entitled to any sort of Miranda-type warning before being questioned by Westhill Central School officials, nor are Westhill Central School officials required to contact a student's parent before questioning the student. However, Westhill Central School officials will tell all students why they are being questioned.

In addition, the Board authorizes Westhill Central School nurses, administrators, and teachers to conduct searches of students and their belongings if the authorized Westhill Central School official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized Westhill Central 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 Westhill Central School official has a legitimate reason for the very limited search.

An authorized Westhill Central School official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the Westhill Central School employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. Westhill Central School 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 Westhill Central 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 practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. STUDENT LOCKERS, DESKS AND OTHER SCHOOL STORAGE PLACES

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and Westhill Central School officials retain complete control over them. This means that student lockers, desks and other Westhill Central School storage places may be subject to search at any time by Westhill Central School officials, without prior notice to students and without their consent.

B. DOCUMENTATION OF SEARCHES

The official performing the search shall be responsible for promptly recording the following information about each search:

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

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

### C. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATIONS OF STUDENTS

Westhill Central School officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in Westhill Central School buildings or at Westhill Central School functions, or to use our facilities in connection with police work. Police officials may enter Westhill Central School property or a Westhill Central School function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or arrest warrant
2. Probable cause to believe a crime has been committed on Westhill Central School property or at a school function, or
3. Been invited by Westhill Central School officials to investigate unlawful conduct that occurred or is believed to have occurred, or is still occurring, on school property or at a school function.

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

Students who are questioned by police officials on Westhill Central School property or at a Westhill Central School function will be afforded the same rights they have outside the school. This means, that if in the professional judgment and training of law enforcement officials, students would be entitled to notification of their rights under applicable law, then they shall be notified of these rights, including, but not limited to:

1. The right to remain silent if they so desire

2. The right to request the presence of an attorney.

#### D. CHILD PROTECTIVE INVESTIGATIONS

Consistent with the district's commitment to keep students safe from harm and the obligation of Westhill Central 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 Westhill Central School property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

A child protective services worker may not remove a student from Westhill Central School property without a court order, unless the worker has probable cause to believe that the student would be subject to imminent danger of abuse if he or she were not removed from Westhill Central School property before a court order could reasonably be obtained.

### XIII. VISITORS TO THE SCHOOLS

Since schools are a place of work and learning, certain limits must be set for visits by parents and other district citizens. The Building Principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to Westhill Central School property:

1. Anyone who is not a regular staff member or student of the school or program will be considered a "visitor."

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2. All visitors to any Westhill Central School facility must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitors register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the appropriate office before leaving the building.
3. Visitors attending Westhill Central 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 a building administrator.
7. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.
8. All visitors are expected to abide by the rules for public conduct on Westhill Central School property as contained in this code of conduct.

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

The Westhill Central School 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 Westhill Central School property and at Westhill Central School functions.

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

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A. PROHIBITED CONDUCT

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, Westhill Central School programs or other Westhill Central School activities.
4. Distribute materials without the permission of the Superintendent or Superintendent's designee, or wear articles on Westhill Central School grounds or at Westhill Central School functions that are obscene, lewd, vulgar, patently offensive, advocate illegal action, libelous, or materially and substantially disruptive to the work and discipline of the school.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the Westhill Central 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 Westhill Central School property or at a Westhill Central School function.
10. Possess or use firearms or other weapons (see definition of a "weapon" in section II of this code) 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 Westhill Central School district.
11. Loiter on or about Westhill Central School property.

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12. Gamble on Westhill Central School property or at Westhill Central School functions except as authorized by law and Board policy.
13. Refuse to comply with any lawful order of identifiable Westhill Central School district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on Westhill Central School property or while at a Westhill Central School function.

B. PENALTIES

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

1. Visitors - Their authorization, if any, to remain on Westhill Central School grounds or at the Westhill Central School function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. If necessary, law enforcement officials may be called to assist in this ejection. In addition, visitation privileges may be suspended or revoked.
2. Students - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, as outlined in section VI of this code of conduct and in accordance with the due process of law requirements.
3. Tenured faculty member - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law section §3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law section 75 - They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4 - They shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. ENFORCEMENT

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

When the Superintendent or his/her designee(s) sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited, and attempt to persuade the individual to stop. The school official 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 designated school official shall have the individual removed immediately from Westhill Central School property or the Westhill Central School function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

**XV. PUBLICATION, DISTRIBUTION AND REVIEW**

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each academic year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the academic year and making this summary available later upon request.
3. 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.

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

On an annual basis, the code of conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

The Board will sponsor an in-service education program for all Westhill Central School 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.

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

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

Before making 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 no later than 30 days after adoption.