

**WATERFORD – HALFMOON UNION FREE SCHOOL DISTRICT**  
**2018-2019**  
**Code of Conduct**

**I. INTRODUCTION**

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

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

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

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

**II. DEFINITIONS**

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

For purposes of this Code, the following definitions apply:

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

"Parent" means parent, guardian or person in parental relation to a student.

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.

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

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

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.

4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

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

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law Section 11[1]). **Note: New York Education Law and Board of Education policy dictate that inappropriate behavior, including bullying, threats, intimidation, abuse or/ and harassment that occur off school property and that create a risk (or a foreseeable risk) of substantial disruption within the school environment or where it is foreseeable that the behavior might reach school property is covered by this Code of Conduct.**

**School Bus** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

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

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant

from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

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

**Harassment** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

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

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times,

displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical

### III. STUDENT RIGHTS AND RESPONSIBILITIES

#### A. Student Rights

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

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

#### B. Student Responsibilities - All district students have the responsibility to:

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

12. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

#### IV. ESSENTIAL PARTNERS

##### A. Parents - All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school 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 school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
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.
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

##### B. Teachers - All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students

##### e. Classroom discipline plan.

6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
  7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
  8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
  9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
  10. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- ##### C. Guidance Counselors
1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
  2. Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems.
  3. Regularly review with students their educational progress and career plans.
  4. Provide information to assist students with career planning.
  5. Encourage students to benefit from the curriculum and extracurricular programs.
  6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
  7. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
  8. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- ##### D. Principals
1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
  2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
  3. Evaluate, on a regular basis, all instructional programs.
  4. Support the development of and student participation in appropriate extracurricular activities.
  5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
  7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
  8. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- E. Superintendent
1. Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
  2. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
  3. Inform the board 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.
  6. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- F. Board of Education
1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
  2. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
  3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
  4. Appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
5. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- G. Student Support Service Personnel
1. Support educational and academic goals.
  2. Know school rules, abide by them and enforce them in a fair and consistent manner.
  3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
  4. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct.
  5. Maintain confidentiality about all personal information and educational records concerning students and their families.
  6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs
  7. Regularly review with students their educational progress and career plan.
  8. Provide information to assist students with career planning.
  9. Encourage students to benefit from the curriculum and extra-curricular programs.
  10. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
  11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.
  12. Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.
- V. STUDENT DRESS CODE**
- All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, 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. Not include the wearing of hats in the classroom except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## VI. PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

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

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
1. Running in hallways.

2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
  7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the district's acceptable use policy.
  8. Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.
  9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.

2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  7. Intentionally damaging or destroying school district property.
  8. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
  4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or a school function.
  5. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex. This includes sexual harassment, which includes unwelcome sexual advances, requests for sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
  6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  7. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Possession of/or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  16. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include:
1. Plagiarism.
  2. Cheating.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.



## VII. REPORTING VIOLATIONS

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

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, if warranted, which may include permanent suspension and referral for prosecution.

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

### **HARASSMENT, HAZING AND/OR BULLYING**

The Board of Education recognizes that harassment, hazing, and/or bullying of students and staff is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment, hazing, and/or bullying in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of harassment. To this end, the Board condemns and strictly prohibits all forms of harassment, hazing and/or bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

For the purposes of this policy, the terms "harassment", "hazing", and "bullying" collectively shall refer to any intentional written, verbal, or electronic communication or physical act which intimidates or threatens another on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability, socio-economic status, class or club affiliation or other distinguishing characteristic.

## I. GENERAL STATEMENT OF POLICY

- a. No student, teacher, administrator, volunteer, contractor, vendor or other employee of the school district shall plan, direct, encourage, aid, or engage in hazing, bullying or harassment.
- b. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing, bullying or harassment.
- c. Apparent acquiescence or consent by a person being hazed, bullied or harassed does not lessen the prohibitions contained in this policy.
- d. This policy applies to behavior that occurs on school property and at school sponsored activities.
- e. A person who engages in an act that violates school policy or law shall be subject to discipline for that act.

Because harassment, hazing, and or bullying can occur staff to student, staff to staff, student to student, student to staff, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to harass, haze, and/or bully any student or employee. Words alone can create an atmosphere that is so severe, persuasive, and offensive that it denies a victim equal access to educational and employment opportunities.

### Reporting Complaints

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of hazing, bullying and/or harassment and persons with knowledge of hazing, bullying and/or harassment report the incident immediately. The district will promptly investigate all complaints of hazing, bullying and/or harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete thorough investigation per the regulation of the Commissioner and education law.

### Investigation/Resolution

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state and federal law.

All petitioners and those who participate in the investigation of a complaint of hazing, bullying and/or harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of harassment, hazing, and/or bullying. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and/or hazing and to implement preventive measures to help reduce incidents of sexual harassment and/or hazing.

A plain language summary of this policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board will periodically review this policy's effectiveness and compliance with applicable state and federal law, and revise as needed.

### **CYBERBULLYING AND CYBERTHREATS**

The Waterford-Halfmoon Union Free School District Board of Education is committed to providing a safe and nurturing environment within the school district that is free from cyberbullying and cyberthreats. The increasing frequency of internet predatory practices necessitates that the District take proactive measures to secure the educational process.

**Cyberbullying** means being cruel to others by sending or posting harmful material using the Internet, cellular phone, or any other electronic device.

**Cyberthreat** means online material that threatens or raises concerns about violence against others, suicide, or other self-harm. There are two (2) kinds of cyberthreats: direct threats, or distressing materials. District threats are actual threats to hurt another person or to commit suicide.

Distressing materials is online material that provides clues indicating that the person is emotionally upset, and that the person is contemplating hurting another person, him/herself or committing suicide.

Cyberbullying or cyberthreatening material, either in the form of text or images, may be posted on personal web sites, blogs or transmitted via email, discussion groups, message boards, chat rooms, instant messages, or cellular phone.

The use of the District's Internet system, cellular phones on school property, cellular phones not on school property, or the use of an Internet system not owned or operated by the District to bully or harass students, faculty and staff is prohibited.

Off-campus cyberbullying or cyberthreats – regardless of the form in which the message is transmitted – endangering the health, welfare or safety of students, faculty or staff with the District, or adversely affecting the educational process is prohibited.

Any student who believes that he or she has been subjected to cyberbullying or cyberthreats within the meaning of this policy shall report the bullying or threats to a teacher or administrator immediately. The building principal shall immediately take the appropriate disciplinary actions pursuant to the District's Code of Conduct.

### **VIII. DISCIPLINARY PENALTIES**

#### **Procedures and Referrals**

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

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student

behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, discipline will be consistent with Special Education law.

#### **A. Penalties**

Students who are found to have violated the district's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose the penalty, consistent with the student's right to due process.

1. Oral warning - any member of the district staff.
2. Written warning - bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent.
3. Written notification to parent - bus driver, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent.
4. Detention - teachers, principal, superintendent.
5. Suspension of recess – teacher, principal, superintendent.
6. Lunch detention – attendance clerk, principal, superintendent.
7. Saturday detention – principal, superintendent
8. Late detention – principal, superintendent.
9. Suspension from transportation - director of transportation, principal, superintendent.
10. Suspension from athletic participation - coaches, athletic director, principal, superintendent.
11. Suspension from social or extracurricular activities - activity director, principal, superintendent
12. Suspension of other privileges - principal, superintendent.
13. In-school suspension - principal, superintendent.
14. Removal from classroom by teacher - teachers, principal.
15. Short-term (five days or less) suspension from school - principal, superintendent, board of education.
16. Long-term (more than five days) suspension from school - principal, superintendent, board of education.
17. Permanent suspension from school - superintendent, board of education.

#### **B. Procedures**

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



inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention - Teachers, principals and the superintendent may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention. Parent meetings will be necessary if there is an objection to the detention.

2. Suspension from transportation - If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention.

Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees.

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

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

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

4. In-school suspension - The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." The in-school suspension monitor supervises students placed in in-school suspension. Certified teachers will provide instructional materials and support during the day.

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

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

5. Teacher disciplinary removal of disruptive students - A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly, defined as less than 15 minutes; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor social worker or administrator for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class/instructional period of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. The removal form will be presented to the office by the student or courier. If the principal or designee is not available by the end of the same school day, the teacher will meet with the principal or designee prior to the beginning of classes on the next school day.

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

notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contact parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom shall be permitted to return to class until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### 6. Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

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

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

##### a. Short-term (5 days or less) suspension from school

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

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

The notice and opportunity for an informal conference shall take place before the student is suspended unless 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 practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written

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

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

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents for 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 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances preclude 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 within 30 days of the decision.

c. Permanent suspension

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

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

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

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

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

A student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom may be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling - The Guidance Office shall handle all referrals of students to counseling.
2. PINS Petitions - The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
  - c. Knowingly and unlawfully possessing marijuana in violation of Penal Law Section 221.05. A single violation of Penal Law Section 221.05 will be a sufficient basis for filing a PINS petition.
3. Juvenile Delinquents and Juvenile Offenders - The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
- a. Any student under the age of 16 who is found to have brought a weapon to school, or
  - b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law Section 1.20(42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities

#### **IX. 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 Section 3214, the district will take immediate steps to provide alternative means of instruction for the student.

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

Please refer to the district's Committee on Special Education.

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

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

#### **XII. STUDENT SEARCHES AND INTERROGATIONS** **SCHOOL SEARCHES RULES AND PROCEDURES**

##### **A. Philosophy**

The Waterford-Halfmoon Union Free School District Board of Education has a duty to adopt reasonable measures to ensure that each student in the District is able to pursue educational opportunities in a safe environment. Weapons, drugs, alcohol and related contraband increase the likelihood of violence and

substance abuse in our schools and pose a direct threat to the education, safety and well-being of the District's students. The Board of Education believes that the use of drugs and the crimes committed by school-age children, in general, poses a genuine threat to the safe educational environment which the Waterford-Halfmoon School District ("District") seeks to provide for its students. The Board of Education desires to be proactive by taking reasonable and legal steps to reduce, eliminate and prevent the use and/or possession of weapons, alcohol and related contraband in the District.

##### **B. Purpose**

1. It is District policy that the possession, use, sale or transfer of drugs, alcohol, weapons and other contraband or implements of violence which pose a direct or potential threat to District students and school employees is prohibited on school grounds. This policy seeks to further the enforcement of these prohibitions by authorizing affirmative measures to prevent drugs and weapons from entering or remaining in school buildings or on school grounds.

The specific purposes of this policy are:

- a. Consistent with applicable laws, to authorize District administrators and employees to take reasonable proactive measures to rid the District of drugs, weapons and other articles which pose a direct or potential threat to District students, school employees or visitors to our schools, or which otherwise pose a threat to the educational environment.

- b. To make all District students, parents, guardians, staff and other members of the school community aware, that notwithstanding the assignment of certain school property to students for their use during the school year, the District owns and controls all school property, specifically including student lockers, desks and classrooms. To make all District students, parents, guardians, staff and other members of the school community aware, that students have limited privacy rights in and while on school property (e.g. classrooms, hallways, desks, lockers, etc.) in relation to the District, and that all school property may be subjected to searches, with or without suspicion.

- c. To make all District students, parents, guardians, staff and other members of the school community aware, that the District may conduct random searches of school property to prevent the entry of weapons, drugs and related contraband into the District by the use of non-intrusive means such as the use of specially trained police dogs and magnetometer screening devices.

- d. To make all District students, parents, guardians and other members of the school community aware, that in addition to conducting searches of District property, the District may also conduct searches of both students and student's personal property while on school grounds in a manner that is consistent with this Policy and applicable laws, rules and regulations; and

- e. To make all District students, parents, guardians, staff and other members of the school community aware, that the District will continue to work cooperatively with law enforcement officials towards protecting the safety of the school grounds.

##### **C. Definitions:**

1. Drugs: For the purposes of this policy "drugs" shall include all: alcohol; mind-altering substances; illegal substances; "look-alike drugs"; controlled substances listed in Section 3306 of the New York Public Health Law; and drug paraphernalia.

2. School Property: In addition to school buildings, structures and real property which the District owns, "school property" shall include all District-owned fixtures, equipment and property attached thereto, specifically including student lockers, gymnasium lockers and desks notwithstanding the fact that the District assigns any such property for student use or permits students to use, access, secure, or otherwise control such property.

3. Search: For the purposes of this policy there shall be two types of searches: suspicionless or random searches and (b) suspicion based searches. The determination of whether a search can be conducted with or without suspicion, is controlled by external laws, rules, regulations and decisions of the courts and Commissioner of Education.

The desired procedures to be followed shall be developed by the District and communicated to all District employees.

(a) Suspicionless or Random searches shall include, but may not be limited to, the entry or access by the District to the property designated as school district property set forth in (2) above, and shall include, but may not be limited the use of trained police dogs to "sniff" the property designated as school district property set forth in (2) above and the use of metal detectors for the use of screening all students entering on school property.

(b) Suspicion based searches shall include the handling, observation, manipulation, screening or examination of a student's person or personal property, (including but not limited to backpacks, book bags and purses), by visual examination, request to open or empty pockets or personal property, "pat down", trained police dogs, magnetometer devices or other means.

4. Weapons or Implements of Violence: For the purpose of this policy, "weapons" or "implements of violence" shall include all: firearms; ammunition; air guns explosive devices; knives; throwing stars; or other articles which, in the discretion of school officials, pose a direct or potential threat of injury or are used to threaten or cause injury to others.

**D. Policy Specifics:**

1. The Board of Education of the Waterford-Halfmoon Union Free School District is committed to preventing, reducing and eliminating drug use, violence and the threat of violence in our schools.

Therefore, the possession, use, sale, transfer or harboring of any drugs, weapons or other implements of violence, or contraband in school buildings, on school premises and at school activities is strictly prohibited.

2. Search of School Property: At the discretion and/or direction of school administrators, specifically including school building principals, such administrators and other District employees are hereby authorized to search any and all school property, specifically including student lockers, desks and classrooms, for the purpose of searching for and seizing any drugs, weapons or other implements of violence, or other contraband, in accordance with this policy. Searches of school

property performed in accordance with this policy, may be conducted without notifying the student to whom such property may be assigned and/or his/her parents or guardians, in advance of conducting a search and with or without the presence of the student to whom the subject school property has been assigned.

3. At the discretion and/or direction of school administrators, specifically including school building principals, such administrators and other District employees are hereby authorized to conduct searches of students and students' property while on school property, under the following circumstances:

a. Students and/or student property may be subject to suspicionless searches only by the use of drug sniffing dogs or metal detecting devices, so long as such searches are conducted in a non-discriminatory manner.

b. Any other search of a student or a student's property may only be conducted based upon a reasonable suspicion that such search will turn up evidence that the student has violated a law and/or a school rule, policy or regulation. Such searches will be conducted in accordance with the guidelines established by the Board of Education.

4. By this policy, and the publication of this policy, the District seeks to inform all District students, parents and guardians of the preventative measures which the District plans to employ in order to deter and prevent the entry of weapons or drugs onto school property and reduce the threat which such items pose to District students.

5. This policy is intended to expand upon and supplement the District's existing policies and practices regarding the regulation of drugs and weapons on school property. Nothing in this Policy is intended to reduce, restrict or in any manner limit the ability of District administrators and employees to conduct lawful searches of persons or places on school grounds.

6. The District's Student Handbooks and Codes of Conduct shall be amended to reflect the existence of this Policy.

E. Effective Date of Policy: This policy shall take effect on June 1, 1999.

Guidelines for the Conduct of Suspicion Based Searches of Students and/or Students' Property

Before the search of a student or his/her possessions can be made, the school official needs a "reasonable suspicion" that a particular student violated a law or school rule, policy or regulation. Although a warrant is not needed, in determining the reasonableness of a search, the school official must balance a student's interest in privacy against the substantial interest of teachers and administrators in maintaining discipline in the classroom and on school grounds.

I. Who May Conduct A Search

A. Any school official or employee may, under certain and restricted circumstances, conduct a search of a student or a student's personal property.

B. Where possible, a search will be conducted by the following school officials or employees in this order:

1. Building Administrator or Superintendent of Schools
2. Teacher or other member of the teaching Staff
3. Teaching assistants or aides
4. Other district employee

## II. Determining Whether to Search

In determining whether to conduct a search of either a student or a student's personal property, the school official or employee must consider the following.

### A. **Be sure the search justified at its inception**

There must be a reasonable basis for conducting the search in the first place (i.e. reasonable grounds that the search will turn up evidence of a violation of a law or school rule). The end result of the search may not justify the search if no reasonable suspicion was present before the search began.

Credibility of the information which leads to a search is critical. Before conducting a search, ask the following questions:

1. Is the source of the information reliable?
  - (1) Determine credibility of informant
  - (2) Determine what is the motivation for the information
  - (3) Personal knowledge of the informant is important, but if the informant reliable and there is corroborating evidence, may use second hand information.
  - (4) Beware of anonymous tips
2. Is there corroborating information?
  - (1) Ask informant for other witnesses or persons with the same information
  - (2) Ask informant for specific information
  - (3) Is there more than one reason, ground or justification for the search?
  - (4) A search should not be conducted on this basis of a rumor, hunch, curiosity or without specific and individualized suspicion.
3. The purpose of the search must be to obtain evidence of a violation of a law or school rule and there must be a nexus between the suspected violation and the evidence sought.

### B. **Conduct the search in a manner that is reasonably related in scope to the circumstances which justified the search in the first place.**

Factors to be considered are:

1. age of student (can affect reasonableness)
2. sex of student and sex of official conducting the search (effects degree of intrusiveness)
3. nature and severity of the suspected violation (search for weapons given more latitude than search for missing pen)
4. area to be searched (limit to areas where one could reasonably suspect evidence to be kept)
5. time and place (should be close in time and place that alleged violation occurred; protect students privacy as much as possible)
6. duration of the search (suspicion for evidence of one violation, does not give the right to search for other violations if first does not turn up evidence)
7. persons conducting search (generally limit to teachers and administrators)
8. intrusiveness of search (as intrusiveness increases, so may standard for conducting search; i.e. strip search may require probable cause, where emptying of pockets will require only reasonable suspicion)

## III. Procedures for Searching a Student or His/Her Personal Property

A. Where possible, and where an emergency or danger to the student or others do not appear to exist, a student whose person or property is to be searched, should be afforded the following process.

1. Immediately notify the building administrator and request assistance if necessary
2. Remove the student and his/her property from other students or staff in as inconspicuous manner as possible
3. Accompany the student and his/her property to the office of the building administrator. Have another District employee present, at least one of whom should be the same sex as the student.
4. Ask the student to empty or open the property or area that you believe hides the suspected contraband (e.g. pockets, shoes, purse, backpacks, etc.)
5. If (s)he refuses to comply with such request, explain that you are going to search the suspect area, giving the student another chance to comply.
6. Conduct the search in the most limited manner as possible. A search should be conducted by a school official or employee of the same sex as the student.
7. Notify the student's parents and/or law enforcement official if necessary.

## IV. Suspicionless Searches

A. The District reserves the right to conduct random searches of lockers, desks, closets and other school district property, including searches involving the use of trained police dogs.

B. If the District chooses to conduct a search of student lockers through the use of police dogs, it shall request that the police agencies involved observe the following precautions. However, the policies and procedures of the police agencies will govern.

1. An announcement shall be made that all students are to remain in their classrooms and that, should an emergency require a student to leave, that the teacher will notify the main office and a district employee shall accompany the student out of the classroom.
2. The dogs, under the control of a trained police officer, shall be allowed to examine the exterior of the lockers.
3. If the dog "hits" on a locker, the student to whom the locker is assigned will be notified and will be asked to come to the locker and open it. The District may choose to notify students whose lockers are adjacent to or in the vicinity of the locker on which the dog "hit".
4. In the student's presence, the District and/or the police may search the locker and its contents.
5. The student's parents will be notified
6. Police dogs will not be used to examine a student's person without probable cause.

## V. Questioning Students

A. School officials are not required to contact parents before questioning students about possible infractions of school rules.

B. "Miranda" warnings are not required prior to a school official questioning a student in connection with a possible disciplinary matter

E. Child Protective Services Investigations

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

All requests by child protective services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a 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 school nurse or other district 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 school district official of the opposite sex.

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

### **XIII. VISITORS TO THE SCHOOL**

The board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The

visitor must return the identification badge to the principal's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

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

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

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 destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.



7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

**B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law 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 warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee 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 principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal

or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

**XV. DISSEMINATION AND REVIEW**

**A. Dissemination of Code of Conduct**

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

1. Providing a public hearing prior to Board approval
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
4. Making copies of the code available to all parents at the beginning of the school year.
5. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request.
6. 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.
7. Providing all new employees with a copy of the current code of conduct when they are first hired.
8. Making copies of the code available for review by students, parent and other community members.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the 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, school safety personnel and other school personnel.

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

The District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available.

The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

Adopted by BOE 2/14/2019  
Reviewed by BOE 2/14/2019