

WESTPORT CENTRAL SCHOOL DISTRICT CODE OF CONDUCT

The Westport Central School District Code of Conduct governs the conduct of students, teachers, and other school personnel, including visitors.

Earlier sections of this guide covered issues related to visitors and public conduct on school property. The sections that follow here relate specifically to conduct on school property. This has been defined to cover a school building, structure, athletic playing field, playground, parking lot, or land contained within the boundary lines of a public elementary or secondary school, in a school bus, or at a school function.

I. INTRODUCTION

STUDENT CONDUCT AT WESTPORT CENTRAL SCHOOL:

A major goal of the Westport School Board of Education is to provide an academic environment capable of fostering student success. In order to assure such a climate for learning, the School Board shall expect all students to maintain certain standards of conduct for school citizenship. These standards shall not permit students to engage in any conduct intended to destroy personal or school property, disrupt or interfere with teaching, research, service, administrative or disciplinary functions, or any district-sponsored or approved activity. Westport Central School District is committed to developing students that will be critical thinkers, effective communicators, healthy citizens, life long learners and responsible citizens.

All district employees shall share responsibility for supervising the behavior of students and for seeing that they meet the standards of conduct which have been or may hereafter be established by the Westport Central School Board or its staff.

The Superintendent of Schools shall have the power to suspend students who engage in such conduct up to five school days (any disciplinary suspension longer than five school days is subject to the procedures outlined in NYS Education Law (§3214(3)(c), Suspension and Expulsion).

In each instance in which an employee acts to help a student conduct himself/herself properly, emphasis shall be placed upon the growth of the student's capacity for self-discipline.

All policies regarding student conduct and discipline shall be uniformly enforced and distributed annually to the students, parents and staff of the district.

STUDENT DISCIPLINE:

The Westport Central Board of Education recognizes that in any organization or society there are always times and incidents, which require that standards of behavior and expectancy be established for the members of the group. Those who fail to meet these standards must be impressed with the seriousness of their actions through caution and/or penalty.

The goal of all disciplinary action is to enable students to accept responsibility for, and the consequences of, their actions, and to promote the development of worthy standards and habits of conduct.

The Westport Central School Board believes that students should be treated as persons who can reasonably be expected to be responsible for their own behavior. The school administration will assist each student in his/her conduct, focusing on safety and respect for the rights and property of others and consistently applied in the classrooms and throughout the school. Students who cannot accept this responsibility and violate school rules will be required to accept the penalties and more regulated supervision.

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.

Discipline of students with disabilities or suspected disabilities shall be administered consistent with the separate requirement of this Code of Conduct found in Section 10. A student identified as having a disability shall not be disciplined for behavior that is found to be related to his or her disability.

Early Identification and Resolution of Student Discipline Problems:

Pupil service personnel, administrators, teachers, and others will report students to the Superintendent or Vice Principal when they believe such students present a discipline problem. The Vice Principal will conduct an investigation of the reports, which may include conferences with the complainant, student, parents, teachers, other pupil service personnel or others, as he/she deems appropriate for the early identification and resolution of the suspected problem. If the Vice Principal suspects that the problem may be a manifestation of a handicapping condition, he/she will refer the matter to the Committee on Special Education in the manner prescribed by section 200.4 of the Commissioner's Regulations and by district policy.

Teachers, administrators and others will refer students, who pose potential problems to Pupil Personnel Services staff such as counselors, school nurse, school psychologist for their assistance, support and early intervention.

In-service Programs:

Continuing professional growth and increasing effectiveness on the part of the entire staff are essential for the success of educational programs and the effective application of the school conduct and discipline policy. In-service programs, to familiarize the professional staff with the provisions and purposes of this policy, shall be conducted in the school of the district by the Building Principal or other appropriate administrator at least annually. Annual review of the discipline code and policy shall be an integral part of this in-service program for the purpose of clarifying the code.

The professional staff shall be encouraged to make use of available in-service opportunities. Such opportunities shall include, within budgetary limitations, special in-service courses and workshops, summer study grants, school visitations, and attendance at professional conferences and meetings.

The Superintendent will have the authority to approve released time for conferences and visitations, and reimbursements for expenses, provided such activities are within budget allocations.

II. DEFINITIONS:

For purposes of clarification for the Code of Conduct, the following definitions apply.

"Classroom removal" means a student has been removed from the class for a substantial amount of the day's lesson or for that of the next day as a result of a disciplinary action.

"Corporal punishment" for the purposes of this policy, is defined as the use of physical force upon a student by a school district administrator, teacher, or any other school district personnel as punishment for an act or omission by such student.

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

"Principal" is also the word interchangeable with the word superintendent at Westport Central School.

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

"Superintendent" is the chief executive office of the school.

"Traditional classroom management" means proactive teacher decision-making techniques that will produce an environment where learning can take place. This includes referrals to pupil personnel services or administrator, classroom timeout, classroom rules and consequences, restitution, and/or change of seating arrangement.

“Vice Principal” is the person who is charged by the Superintendent to be responsible for certain areas of supervision or other assigned duties.

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

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

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

“Weapon” means any other gun, BB gun, air gun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. STUDENT RIGHTS AND RESPONSIBILITIES:

The Westport Central School Board of Education's goal is to provide an environment in which a student's rights and freedoms are respected. The Board therefore assures Westport Central School District's students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The Board also recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

It shall be the right of each district student to:

1. Have an educational environment wherein his/her health, safety, and welfare are protected;
2. Have freedom of inquiry and expression, both written and oral, within the district policy;
3. Attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. Attend school and participate in curricular-related activities, unless suspended from instruction pursuant to the District's Code of Conduct;
5. Have the opportunity in all disciplinary matters to present their version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
6. Have school rules and conditions available for review and, whenever necessary, explanation by school personnel;
7. Have his/her parent or legal guardian review school records and secure copies of them;
8. Dress according to individual taste or preference, as long as such dress complies with health and safety requirements and does not interfere with the educational process;
9. Take part in all district activities on an equal basis regardless of race, color, creed, sex, religion, national origin, age, marital status, sexual orientation, gender or disability;

10. Take part in athletic, extracurricular, and other student activities, including student government, if the student meets all eligibility criteria and unless the student is prevented from participating due to discipline imposed pursuant to the District's Code of Conduct, the Athletic Code of Conduct or the Extracurricular Code of Conduct;
11. Address the Board on the same terms as any citizen;
12. Have an appropriate education provided by the District.

It shall be the responsibility of each district student to:

1. Be familiar with and abide by all district policies, rules and regulations pertaining to student conduct. Each student will be expected to conduct himself/herself in a manner that shall not compromise the rights of other students to learn or of teachers to teach;
2. Work to the best of their ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. Conduct himself/herself, when participating in or attending school sponsored extracurricular events, as a representative of the district and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
4. Be in regular attendance in school and in class;
5. Be responsible for contributing to the maintenance of an environment that is conducive to learning and will be expected to show due respect to other persons and to property; and
6. Make constructive contributions to their school and to report fairly the circumstances of school related issues.

IV. ESSENTIAL PARTNERS TO STUDENTS' SUCCESS:

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 and follow 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 and of any legal issues such as order of protection, change of custody status etc.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know 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.

C. School Counselors

All Westport Central Counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher, student and counselor conferences as needed. Also, to assist in arranging parent, teacher, student, and counselor conferences as necessary, as a means of resolving problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. Principals

All principals are expected to:

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

E. Superintendent

The Superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
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 and personnel in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

F. Westport Central School Board of Education

The Board of Education is expected to:

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.

G. School Psychologist

A person employed as a School Psychologist is expected to:

1. Apply effective intervention methods and techniques to enhance the child's academic and social success.
2. Provide consultation with family, school personnel, agency, and/or community representative to assist a child and his or her family.
3. Provide case management services and collaborate with community agency representative in school-linked service delivery.
4. Work with a broad student population; individual children, targeted groups of children i.e. classrooms and support groups.

H. Teaching Assistants

Teaching assistants are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate regularly with students and other teachers concerning growth and achievement.

I. Support Staff

All district support staff are expected to:

1. Assist in keeping a safe and orderly environment.
2. Know school policies and rules, and help to enforce them in a fair and consistent manner.
3. Report any disruptive activity to supervisory personnel.

V. STUDENT DRESS CODE

PROPER SCHOOL ATTIRE POLICY

The responsibility for student dress and general appearance shall rest with individual students and parents. However, the Westport Central School Board of Education requires students to attend school in appropriate attire that meets health and safety standards and does not interfere with their education or the learning process.

- The Board requires that students wear appropriate protective gear and that any jewelry or accessory, which endangers the health and safety of students, be removed in certain classes (e.g. home economics, technology, art, science labs and physical education).
- In addition, the Board prohibits clothing, attire, accessories and/or footwear which has or bears an expression (phrase, work or words) or an insignia (picture, symbol, patch, pin and/or jewelry) which is lewd, obscene, indecent or libelous (that is, contains objectionable language, including insults, whether directed at themselves or others), advocates racial or religious prejudice, or interferes with the learning process.
- The Board in keeping with community standards of decorum and deportment prohibits students from wearing hats in the classroom.
- Also, the Board prohibits clothing and/or any accessory that promotes, or advocates the possession, use, or distribution of tobacco, illegal drugs/alcohol or drug/alcohol paraphernalia.

The Superintendent of Schools and other administrative personnel designated by the Superintendent have the authority to require a student return home and change his/her attire prior to return to class should it be deemed inappropriate to the above guidelines. The student's parent or guardian will be called prior to a student being allowed to return to his/her home and the student will be responsible for any work missed in a class as a result of leaving and returning to school.

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. Length of shorts, skirts, and dresses should exceed arm length at side.
3. Ensure that underwear is reasonably 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 or head garments except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not include wearing of gang related articles or clothing.
9. Not include the wearing of outer garments such as trench coats, heavy winter coats, and extremely baggy coats in the building.

The 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:

A student may be suspended from school, a school activity, or subjected to other disciplinary action when the student:

A. Engages in conduct which is:

1. **disorderly**, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk by any act, including but not limited to:
 - a. fighting or engaging in violent behavior
 - b. making unreasonable noise
 - c. using abusive or obscene language or gestures
 - d. obstructing vehicular or pedestrian traffic
 - e. creating, a hazardous or physically offensive condition by any act which serves no legitimate purpose; or
 - f. trespassing; students are not permitted in any school building, other than the one they regularly attend without the permission from the administrator in charge of the building or his/her designee, or
 - g. computer/electronic communication misuse, including any
 - i. unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites, or any other violation of the district's Acceptable Use Policy
2. **insubordinate**, i.e. failing to comply with the lawful directions of a teacher, school administrator, or other school employee in charge of the student.

B. Endangers the safety, morals, health or welfare of others by any act, including but not limited to:

1. selling, using, or possessing alcohol, drugs, or other controlled substances or drug paraphernalia;
2. inappropriately using or sharing prescription and over the counter drugs;
3. selling, using, or possessing weapons, fireworks, or other dangerous instruments or contraband;
4. selling, using or possessing obscene materials;
5. using profane, vulgar or abusive language (including ethnic or personal slurs);

6. selling, using or possessing tobacco or tobacco products;
7. gambling;
8. hazing;
9. engaging in lewd behavior;
10. lying to school personnel;
11. 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 identifiable group by demeaning them;
12. discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation, or disability as a basis for treating another in a negative manner;
13. harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, threatening or demeaning;
14. intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm; or
15. initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher; or

C. Engaging in any of the following forms of academic misconduct:

1. lateness for, missing or leaving school or class without permission or excuse;
2. cheating (including but not limited to copying, using unauthorized help sheets and the like, illegally obtaining tests in advance, substituting for a test taker, and other forms of unauthorized collusion);
3. altering records; or
4. assisting another student in any of the above; or

D. Engage in conduct that is violent. Examples of violent conduct may 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. intentionally damaging or destroying personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
5. intentionally damaging, or destroying school district property; or

E. Engages in conduct in violation of the Board's rules and regulations for the maintenance of public order on school property and the maintenance of school property.

While guaranteeing to students their constitutional rights of freedom of speech and peaceful assembly, the Westport Central School Board will not permit obstruction of the normal operations of the school.

DRUG AND ALCOHOL ABUSE

The Westport Central School Board of Education is committed to the prevention of alcohol and other substance use/abuse. This policy describes the philosophy of the district and the program elements the district will use to promote healthy life styles for its students and to inhibit the use/abuse of alcohol and other substances.

No student may use, possess, sell, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician. The term "alcohol and/or other substances" shall be construed throughout this policy to refer to the use of all substances including, but not limited to, alcohol, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as "designer drugs." The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Additionally, the following persons shall be prohibited from entering school grounds or school-sponsored events; any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol and/or other substances, or any person who school personnel have reasonable grounds to suspect has used alcohol and/or other substances.

An atmosphere of trust is necessary to encourage students with such problems to seek appropriate aid from qualified personnel and/or parents. The Board also encourages the work of the various school organizations formed to address the problems of alcohol and substance abuse. In order to educate students on the dangers associated with substance abuse, the health education curriculum shall include instruction concerning drug abuse for grades K-12.

Any staff member observing narcotics possession or usage by students shall report the incident immediately to the Superintendent of Schools, Building Principal or his/her designee. The Superintendent or his/her designee shall then seek immediate action. Any narcotics found shall be confiscated immediately, followed by notification of the parent(s)/ guardian(s) of the student(s) involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution. In its effort to maintain a drug free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

The district will use the following principles as guides for the development of its substance use/abuse prevention efforts and for any disciplinary measures related to alcohol and other substances:

Alcohol and other substance use/abuse is preventable and treatable. Alcohol and other substance use/abuse inhibit the district from carrying out its central mission of educating students.

The behavior of the Board, the administration, and all school staff should model the behavior asked of students.

While the district can and must assume a leadership role in alcohol and other substance use/abuse prevention, this goal will be accomplished only through collaborative, coordinated efforts with parents, students, staff, and the community as a whole.

STUDENT CONDUCT ON SCHOOL BUSES

Some students are eligible for bus transportation to and from school. Other students may use bus transportation for related school events. All such students are expected to maintain good conduct while traveling to and from school. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others. Parents are reminded that bus transportation for students is a privilege, which may be suspended due to misbehavior.

On buses, it is the responsibility of the school bus driver, bus monitor or other school personnel to maintain order. In this connection, he/she must communicate closely with the Building Principal or his/her representative. If a

student becomes a serious disciplinary problem on a school bus, the Superintendent of Schools may suspend his/her transportation privileges.

DANGEROUS WEAPONS IN SCHOOL

The Board of Education and the Superintendent of Schools have the authority and responsibility to maintain order and discipline within the District's schools as is necessary to protect the safety and welfare of the students and to secure the educational environment within the schools.

A student shall not bring nor have in his or her possession on school property at any time any firearm or weapon. "Weapon" means any other gun, BB gun, air gun, spring gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

A student who is found to have in his possession a firearm as defined under the Gun-Free Schools Act will be subject to disciplinary action including a mandatory one-year suspension from school pursuant to federal law after a hearing before the Superintendent of Schools, or designee or the Board of Education pursuant to Education Law, Section 3214. Pursuant to federal law, the Superintendent may modify such suspension on a case-by-case basis. Such a determination by the Superintendent of Schools shall be based on factors including, but not limited to: the age of the student, the student's grade level, the student's prior disciplinary record, the Superintendent of Schools' belief that another form of discipline may be more effective, input from parents, teachers, and/or others, or other extenuating circumstances.

A student who is found in possession of a weapon other than as defined under the Gun-Free Schools Act will be subject to disciplinary action including a mandatory five-day suspension from school in referral to a hearing before the Superintendent of Schools or his/her designee or the Board of Education pursuant to Education Law, Section 3214

SMOKING

Smoking and other use of tobacco and tobacco products by students is expressly prohibited at any time in school buildings or on school grounds and during school-sponsored activities/official school functions, regardless of location.

Smoking Step Policy

- Step I** Administrator contacts parents. Administrator assigns three (3) days of in-school detention.
- Step II** Administrator contacts parents. Five(5) days suspension from school.
- Step III** Parents meet with Principal to discuss possible Superintendent's hearing for exclusion from school or alternative plans for education.
- Step IV** Superintendent's hearing, pursuant to Section 3214 of the Education Law.

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 that 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 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.

VIII. DISCIPLINARY PENALTIES:

A. ACTION/PENALTIES

The range of penalties, which may be imposed for violations of the student disciplinary code, includes the following:

1. verbal warning
2. written warning
3. written notification to the parents
4. probation
5. reprimand
6. teacher detention
7. suspension from transportation
8. suspension from athletic participation
9. suspension from social or other extracurricular activities
10. suspension of other privileges
11. exclusion from a particular class
12. in-school suspension
13. suspension
14. removal from a particular class
15. administrative detention

Depending upon the nature of the violation, it is the desire of the Board of Education that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the Board's desire that an employee or agent take into account all other relevant factors in determining an appropriate penalty. The above penalties may be imposed either alone or in combination. Such penalties will be imposed by the Building Principal or where necessary, after formal due process procedures.

While the Commissioner of Education continues to hold that school districts cannot impose other, meaningful forms of intervention within the student disciplinary process, the District recognizes that in many situations, traditional forms of student discipline such as detention or suspension do not succeed in dealing with the core issues causing behavioral problems. Consequently, the District encourages its administrators, faculty and parents to voluntarily explore additional types of interventions in appropriate circumstances such as counseling, community service and/or restitution.

TEACHER ASSIGNED DETENTION:

Any teacher may assign after school classroom detention for up to two days without first referring the case to the Vice Principal provided, however, that the teacher gives the student and the Vice Principal notice of the reasons for the detention and gives the student an opportunity to discuss the facts believed to justify the proposed disciplinary action. Appropriate parental contact will be made by the student before detention is served. Detention at Westport Central School is held on Tuesdays and Thursdays. If needed an additional day may be added. Transportation is provided by the district.

ADMINISTRATIVE ASSIGNED DETENTION (ASD):

The Westport Central School Board of Education believes that detention is an effective method of discipline for students. Teachers and/or administrators may assign students detention. It is the student's responsibility to notify his/her parent or guardian of the assigned detention.

DETENTION REGULATION:

1. Students will be given assigned seats.
2. There will be absolutely no talking among students.
3. A student in the detention room is expected to have sufficient homework or reading materials to keep occupied. It is the responsibility of the student to come prepared to do school work.
4. Students will not be allowed to leave the detention room for any reason, except to go to the restroom and/or lunchroom.
5. Students should not be assigned to after-school detention (ASD) without prior notification and approval of the administration. Faculty may assign after-school detention in their own room.
6. ASD should not be made up during a student's regular school day.
7. The student will be required to adhere to all detention rules and regulations as outlined in the detention student rules/expectations document. The student will also be required sign the detention student rules/expectations document.

If these rules and regulations are not followed, students will be given additional periods of detention.

(For complete rules and regulations, please see the detention student rules/regulations sheet)

IN-SCHOOL SUSPENSION (ISS):

The Westport Central School District Board of Education recognizes the importance of school attendance. Therefore, suspension or expulsion from school must be viewed as a last resort in dealing with student disciplinary infractions. The Westport Central School Board of Education also recognizes the need to remove unruly or disruptive students from the regular class so that learning can take place in the classrooms of the district.

The Westport Central School Board fully supports an in-school suspension program in the district. The program should provide appropriate supervision in the in-school suspension rooms and guidelines for the imposition of an in-school suspension. *(For complete rules and regulations, please see the I.S.S. student rules/regulations sheet)*

IN-SCHOOL SUSPENSION REGULATION:

1. At the discretion of the Superintendent, a student who would otherwise be subject to a suspension from attendance as the result of a disciplinary infraction may be placed on in-school suspension for a period not to exceed five (5) school days.
2. Prior to the imposition of an in-school suspension, the Superintendent shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.
3. Upon imposition of an in-school suspension, the student's parent(s) shall be notified in writing of the dates of the suspension and the reasons therefore. The parent(s) shall be given an opportunity for a conference with the Superintendent and any appropriate teachers or staff.
4. The student's teachers will be notified in writing that assignments for the period of suspension should be sent to the suspension room.
5. The student suspended shall report, at the beginning of the next school day following the imposition of a suspension, to the main office.
6. The student will be required to adhere to all ISS rules and regulations as outlined in the ISS Student Rules/Expectations document. The student will also be required sign the ISS Student Rules/Expectations document.
7. A student in suspension loses all privileges during the period of his/her suspension including extra-curricular events (athletics, clubs, etc).
8. The suspension room will retain an atmosphere of quiet, conducive to study, with strict rules of behavior.
9. The suspension room supervisor will enforce the rules of behavior in the suspension room and will render tutorial assistance where possible. The suspension room supervisor will also be alert to student behavior or problems which may require referral to the school psychologist, guidance counselor, or other professional. The suspension room supervisor will also, where appropriate, recommend steps to improve the student's behavior.

SUSPENSION AND EXPULSION:

The Superintendent of School may immediately suspend a student charged with a violation, pending determination of the offense, whenever in his judgment the continued presence of such student would constitute a clear danger to the safety, morals, health or welfare of himself or other persons or to the safety of property on the premises of the school. A student may also be immediately suspended if he or she would pose an immediate threat of disruptive interference with the normal conduct of the school's activities and functions. In cases involving suspension or longer than five (5) days, the Superintendent shall, upon reasonable notice, grant a hearing with respect to the basis for such suspension.

SUSPENSION AND EXPULSION REGULATION:

The following procedural elements are applicable to the initiation and processing of student suspensions:

1. The Westport Central School Board of Education retains its authority for the suspension of students. The Board places the prime responsibility for such suspension(s) with the Superintendent of Schools in cases of suspension for up to five (5) days. Any professional staff member may, however, initiate a recommendation for suspension to the Superintendent. Such a recommendation shall be in writing unless the conditions underlying the recommendation warrant immediate and expeditious attention. Even in such cases a written report is to follow.
2. The Superintendent, upon receipt of a recommendation for suspension, or in processing a case for suspension, shall gather the facts relevant to the matter and shall record them for subsequent presentation, if necessary.
3. Within two school days after the recommendation is made to the Superintendent, if a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Superintendent/Building Principal shall give the student oral or written notice of the charges against him/her, and if he/she denies them, an explanation of the basis of the evidence against him/her and an opportunity to present his/her side of the story. Within 24 hours after the student is notified and given his/her informal hearing with the Superintendent, upon request, the pupil and his/her parent(s) shall be given further opportunity for an informal conference with the Superintendent. At this hearing, the parent shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Superintendent. After the conference, the Superintendent shall promptly advise the parent of his/her decision. The parent may appeal the decision to the Board.
4. When the Superintendent determines that a suspension for more than five days is warranted, he/she shall allow reasonable notice to such pupil and the parent/guardian of their right to a fair hearing. At this time the pupil shall have the right of representation by counsel, with the right to question witnesses against him/her and present witnesses and other evidence on his/her behalf. The Superintendent shall personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required and 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 who will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.
5. A student is to remain in school prior to the informal conference or fair hearing in his/her regular class(es), unless in the judgment of the Superintendent or Principal the student's presence in school poses a continuing danger to his/her physical or emotional safety, to the physical or emotional safety of other students and faculty, to school property or to the continuation of the academic process. In such

case, the student will be provided with alternative instruction off-campus or will be placed under in-school suspension according to the regulations approved by the Superintendent.

6. If a student under the age of 16 is suspended for over 5 days, alternative means for instruction will be provided for such student. As a general rule, an alternate program will be sought for any pupil 16 years of age or older who presents a sincere desire to complete his/her high school education.

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. A student or parent has the right to discuss the circumstances for which detention is assigned.

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

4. In-school suspension (ISS):

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 teacher will be a certified teacher.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity 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 preferably with supervision; (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 or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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 one day. A student may be removed for additional days based on a collaborative discussion held between the building administrator and the teacher.

The removal from class applies to the class of the removing teacher only.

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

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, 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 referral form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the disciplinary removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and communicate 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 principal may require the teacher who ordered the removal to attend the informal conference. A teacher may request an opportunity to attend the parent 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:

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 §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 by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

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

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

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 building principal.

Any staff member may recommend to the superintendent or the principal that a student be suspended. 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 or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

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

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for Five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. 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 of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

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

MINIMUM PERIODS OF SUSPENSION:

1. Students who bring to or possess a firearm or weapon at school:

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

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

2. Students who commit violent acts other than bringing to or possessing a firearm or weapon at school:

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing to or possessing a firearm or 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, will be suspended from school for at least one day. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty exceeds a 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 a 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.

REFERRALS:

1. Counseling

The Guidance Office, School Psychologist and/or Child Advocate shall handle all referrals of students to counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition or PINS Diversion petition in Family Court or probation department 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 possesses marijuana in violation of Penal Law § 221.05. A single violation of § 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 §1.20 (42).

The superintendent is required to refer student's 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 teacher removes a student of any age from class or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES:

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

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

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

A "**removal**" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "**IAES**" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a.) The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b.) The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c.) The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d.) The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
- 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule:

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

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

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

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

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

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

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

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

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

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

D. Expedited Due Process Hearings:

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

XI. CORPORAL PUNISHMENT:

CORPORAL PUNISHMENT COMPLAINTS

The use of corporal punishment in the Westport Central School District is expressly prohibited.

Corporal punishment, for the purposes of this policy, is defined as the use of physical force upon a student by a school district administrator, teacher, or any other school district personnel as punishment for an act or omission by such student.

This policy does not, however, prohibit the use of reasonable physical force for non-punitive purposes in the exercise of lawful supervisory authority over students or school district property as follows:

1. for the purpose of self defense;
2. to prevent physical injury to a student or any other person;
3. to protect school property or the property of others; or
4. to restrain temporarily or remove a student whose behavior is disrupting the orderly exercise and performance of school district functions, powers or duties and who refuses, upon request, to refrain from doing so.

In the event a situation involving the use of physical force does occur, in compliance with the Regulations of the Commissioner of Education, the following reporting- procedures will be followed:

1. The teacher or staff member involved shall notify the Building Administrator or Superintendent of Schools immediately;
2. The report shall relate all applicable details of the incident, including what action was taken, why the action was taken, and what measures, if any, have been taken to prevent the need for such action.
3. The report will be kept on file and made available to the parent upon request.
4. The parent shall be afforded the opportunity to request a conference with the student, teacher and administrators involved in the incident to discuss the situation.

The Superintendent shall submit to the Commissioner of Education a written report on corporal punishment complaints. The report shall set forth the substance of each complaint, the results of investigations of those complaints and the resulting, action taken. Such reports shall be submitted on or before January 15 and July 15 of each year.

XII. STUDENT SEARCHES AND INTERROGATIONS

STUDENT SEARCHES AND INTERROGATIONS:

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district Code of Conduct. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, assistant principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. An informant can also be considered credible based on upon factors such as school records, anecdotal record, motivation, or personal knowledge of individual by an administrator or teacher. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places:

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

B. Strip Searches:

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause, not simply reasonable cause, to believe the student is concealing evidence of a violation of law or the district code. In addition, before

conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip- search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches:

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

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

D. Police Involvement in Searches and Interrogations of Students:

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

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

XII. VISITORS TO SCHOOL

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Westport Central School District Board of Education 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) and administrator, 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:

PUBLIC CONDUCT ON SCHOOL PROPERTY REGULATION

These rules govern the conduct of students, faculty and other staff licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property under the control of the district and used in its teaching programs and activities, and in its administrative, cultural, recreational, athletic, and other programs and activities.

Prohibited Conduct

No person, either singly or in concert with others, shall:

1. willfully cause physical injury to any other person nor threaten to do so, for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do;
2. use, possess, sell or distribute alcohol;
3. use, possess, sell or distribute illegal drugs and drug paraphernalia;
4. physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain, except that students may be restrained as permitted under Policy 5314, Corporal Punishment Complaints;

5. willfully damage or destroy property of the district or under its jurisdiction, nor remove or use such property without authorization;
6. without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
7. enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
8. without authorization remain in any building or facility after it is normally closed;
9. refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member;
10. obstruct the free movement of persons and vehicles in any place to which these rules apply;
11. deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
12. knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Superintendent of Schools, whether or not a license to possess the same has been issued to such person; and/or
13. willfully incite others to commit any of the acts here in prohibited with specific intent to procure them to do so.

Penalties and Procedures

A person who shall violate any of the provisions of these rules shall be subject to the following penalties and procedures:

1. If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
2. If a trespasser or visitor without specific license or invitation, he/she shall be subject to ejection.
3. If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning as prescribed by section 3214 of the Education Law and he/she shall be subject to ejection.
4. If a tenured faculty member, he/she shall be subject to ejection, warning, reprimand, suspension and/or other disciplinary action as prescribed by and in accordance with section 3020-a of the Education Law.
5. If a staff member in the classified service of the civil service, he/she shall be subject to the penalties and procedures prescribed in section 75 of the Civil Service Law and be subject to ejection.
6. If a staff member other than one described in subdivisions 4 and 5, he/she shall be subject to dismissal, suspension without pay or censure and be subject to ejection.

Enforcement Program

1. The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
2. In the case of any apparent violation of these rules by such persons, which, in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such school official shall warn such

persons of the consequences of persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules.

3. In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and/or, if appropriate, make recourse to police authorities. The school official may also initiate disciplinary action as hereinbefore provided.
4. The Superintendent or his/her designee may apply to the public authorities for any aid which he/she deems necessary in causing the ejection of any violator of these rules and he/she may request the Board's Counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.

Amendment

These rules and regulations may be amended or modified by the Board of Education. All future amendments shall be filed with the Regents and Commissioner of Education not later than ten (10) days after adoption.

XV. DISSEMINATION AND REVIEW:

Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Distribute 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.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.

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, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than thirty (30) days from its adoption by the Westport Central School Board.