

## **DUNKIRK CSD SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

## **STUDENT BEHAVIOR CODE**

The organization cannot exist without rules and regulations. Regulations provide a safe and reasonable framework which protects the rights of the school, its employees and the students. By accepting and fulfilling appropriate responsibilities, individuals will come to value resultant privileges. Responsibility is inherent in the exercise of every right and it must be emphasized that lack of responsibility means a weakening of rights.

An awareness of rules on the part of students and parents should minimize disciplinary problems. Rules concerning student conduct should be clearly stated in writing, explained and distributed to all students at the beginning of each school year or at such time as they enter school.

Any adult employed by the Board of Education is in a position of authority and is directed to enforce these regulations and to require responsible conduct from all students when in school or at school functions. It is also important that students, parents and staff be aware of the range of penalties that will ensue when school rules are violated.

With each offense under this policy, a penalty range is identified and any of the penalties may be imposed in any order based on the severity and/or frequency of infractions as determined by the building administrator.

It is the intention of the Dunkirk Public School District to comply with all existing State and Federal laws, court decisions and Commissioner's Regulations which apply to the conduct and discipline within its schools.

In accordance with the mission and vision, adopted by the Dunkirk City School District Board of Education and the Dignity for All Students Act, effective July 1, 2012, the Dunkirk City School District Board of Education believes that safe, nurturing, and well-managed learning environments allow students to achieve their full potential in school and in life. A well-managed learning environment is one that includes student instruction in civility, citizenship, and character education; one that raises staff awareness of the individual and diverse needs of the student population; and one that trains school staff to respond sensitively and consistently to all incidents of discrimination, harassment, and bullying/cyber-bullying that may result from perceived differences. Otherwise, the failure to respond to acts of discrimination, harassment, cyber-bullying and bullying may interfere with the student's ability to learn and with the school district's ability to educate the students. In order for each student to reach their full academic potential, Dunkirk City School District is committed to creating and providing a positive school climate that is free from discrimination, harassment, and bullying/cyber-bullying.

**School District Responsibilities:**

The Dunkirk City School District prohibits all forms of discrimination and harassment by school employees or other students based on actual or perceived race, color, weight, national origin, ethnic affiliation, religion or religious practice, disability, sexual orientation, or gender on school property and at school sponsored functions and activities that take place off school property. This is not an exhaustive list. For example, students with acne or short stature, who are subjected to discrimination, harassment/bullying/cyber-bullying, are also covered by the Dignity Act effective this school year.

The Dunkirk City School District building DASA coordinators will investigate every reported incident of discrimination and harassment that occurs on school property or at school sponsored events. Incidents may be reported to a building administrator or the Dignity Act Coordinator by students, parents, school employees, or concerned community members. The building administrator and/or the Dignity Act Coordinator will interview the alleged targets of discrimination, harassment, or bullying/cyber-bullying, the witnesses, and other relevant individuals. Disciplinary consequences will be assigned as outlined in the student code of conduct for those who have been determined to be in violation of the Code of Conduct/Dignity for All Students Act and safety measures will be provided to the target of such discrimination, harassment, or bullying/cyber-bullying as outlined in Dunkirk City School District's Code of Conduct.

**Student Rights:**

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

1. Students have the right to take part in all district activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic affiliation, religion or religious practice, disability, sexual orientation, or gender.
2. Students have the right to be protected from harassment/bullying/cyber-bullying and discrimination based on actual or perceived race, color, weight, national origin, ethnic affiliation, religion or religious practice, disability, sexual orientation, or gender.

This is not an exhaustive list. The Dunkirk City School District may add to the list of protected classes based on their own regional or specialized needs (for example, students of incarcerated parents).

**Student Responsibilities:**

1. Students have the responsibility to work with school staff and their peers to promote a safe school environment that is free from bullying, harassment, and discrimination.
2. Students are expected to treat one another fairly, civilly, and with dignity as outlined in the Student Code of Conduct and the Dignity for All Students Act.
3. Students are expected to report incidents of discrimination, harassment, and bullying/cyber-bullying of students on school property/school district sponsored functions by any student and/or school employee that they see, experience, or hear about as soon as reasonably possible to their teacher, building administrator and/or the Dignity Act Coordinator. The suggested reporting order is to the teacher first, the Dignity Act Coordinator second, and lastly to a school administrator. Students may also use the digital form located on the Dunkirk City School District website to report incidents of discrimination, harassment, and bullying/cyber-bullying.

**Parent/Caregiver Responsibilities:**

1. Parents /Caregivers have the responsibility to teach their children respect and dignity for all people regardless of actual or perceived race, color, weight, national origin, ethnic affiliation, religion or religious practice, disability, sexual orientation, or gender.

2. Parents/Caregivers are expected to report incidents of discrimination, harassment, and bullying/cyber-bullying of students on school property/school district sponsored functions by any student and/or school employee that they see, experience, or hear about, as soon as reasonably possible to their child's teacher, building administrator and/or the Dignity Act Coordinator. Parents/Caregivers may also use the digital form located on Dunkirk City School District website to report incidents of discrimination, and harassment/bullying/cyber-bullying.

**Dignity Act Coordinator:**

According to the Dignity for All Students Act, at least one school member, the Dignity Act Coordinator, is required to be trained in human relations regarding race, color, weight, national origin, ethnic affiliation, religion or religious practice, disability, sexual orientation, and gender. The Dignity Act Coordinator will be accessible to all students, parents/caregivers, and staff for consultation regarding the expectations of the Dignity for All Students Act. The Dignity Act Coordinators for the Dunkirk City School District are:

- School #3 – Mr. Genovese (716) 366-4340 or [DGenovese@Dunkirk.wnyric.org](mailto:DGenovese@Dunkirk.wnyric.org)
- School #4 – Mrs. Texter (716) 366-4400 or [KTexter@Dunkirk.wnyric.org](mailto:KTexter@Dunkirk.wnyric.org)
- School #5 – Mr. Boyda (716) 366-4500 or [DBoyda@Dunkirk.wnyric.org](mailto:DBoyda@Dunkirk.wnyric.org)
- School #7 – Mrs. Heenan (716) 366-4700 or [MHeenan@Dunkirk.wnyric.org](mailto:MHeenan@Dunkirk.wnyric.org)
- Middle School – Mr. Peters – (716) 366-3380 or [KPeters@Dunkirk.wnyric.org](mailto:KPeters@Dunkirk.wnyric.org)
- High School – Mr. Gens – (716) 366-2068 or [AGens@Dunkirk.wnyric.org](mailto:AGens@Dunkirk.wnyric.org)

<b>It is the Student's Right to:</b>	<b>It is the Student's Responsibility to:</b>
Attend school in the district in which the student resides.	Attend school daily, except when ill, and be on time for all classes.
Express his/her opinions verbally or in writing.	Express his/her opinions and ideas in a respectful manner so as not to offend, slander or restrict the rights and privileges of others.
Express his/her personality and yet be appropriate for the school setting.	Dress so as not to endanger physical health safety, limit participation in school activities or be unduly disruptive.
Expect that the school will be an orderly place for all students to gain an education.	Be aware of all rules and expectations regulating student behavior and conduct him/herself in accordance with these guidelines.
Be afforded due process in the event of disciplinary action brought against him/her, including suspension and/or expulsion.	Be willing to volunteer information in disciplinary cases if he/she has knowledge of importance in such a case.
<b>It is the Student's Right to:</b>	<b>It is the Student's Responsibility to:</b>
Be afforded equal and appropriate educational opportunities.	Be aware of available educational programs in order to use and develop capabilities to maximum.
Be afforded the opportunity to participate in extracurricular activities.	Be aware of all rules, expectations and standards governing participation and conduct him/herself in accordance with these guidelines.
Be respected as an individual entitled to his/her personal dignity and integrity.	Demonstrate appreciation for the dignity and integrity of all.
Have his/her student records available for inspection by his/her parent/legal guardian upon request or by the student him/herself if eighteen (18) years of age or older.	Be aware of right to access and guidelines covering such access.
Have access to relevant and objective information concerning drug and alcohol abuse as well as access to individuals or agencies capable of providing direct assistance to students with severe personal problems.	Be aware of the information and services available and to seek assistance in dealing with personal problems when appropriate.

Be free from unreasonable intrusion upon his/her person or property by school personnel and/or police agencies.	Be aware of actions which constitute serious and dangerous wrong-doing and refrain from such acts (possession of contraband, drugs, etc.)
Be free from discriminatory practices.	Refrain from participating in any discriminatory practices against others: students, teachers, custodians, etc.
Have the right to use school lockers.	Be aware that the School District has the right to search any and all lockers from time to time.

### **SCHOOL DISTRICT RULES**

A Student Behavior Code which defines terms and penalties can help the student in regulating his/her behavior in accordance with necessary guidelines. It should be understood that in addition to these rules, there are also building rules which each student is expected to follow.

1. **Assault and Battery**  
Any willful, violent contact with another person is strictly prohibited.  
  
Penalty Range: Out-of-School suspension, loss of privileges, permanent suspension, legal action.
  
2. **Bullying**  
Verbal or physical intimidation, hazing or assisting others in any of those acts, discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse.  
  
Penalty Range: Verbal warning, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension, legal action.
  
3. **Cheating**  
Any willful act of copying another person's work or the use or possession of a cheating device such as copying during tests and copying another student's homework or published works, lab reports, book reports and term papers.  
  
Penalty Range: Reprimand, detention, loss of grade, loss of privileges, in-school suspension.  
  
NOTE: The student who lends work is subject to the same penalty range.
  
4. **Disorderly Conduct**  
Endangerment or harassment of others; i.e. pushing, shoving, throwing objects, running in the hall, blocking halls or stairs and all other similar activities. Willful disruption of the orderly conduct of classes or any other school program or activity.  
  
Penalty Range: Verbal warning, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension, legal action.
  
5. **Drugs and Alcohol**  
Possession or use of drugs and alcohol at any time on school premises or at school-sponsored events.  
  
Penalty Range: Out-of-school suspension, permanent suspension, legal action.
  
6. **False Accusations**  
An accusation made against a student or staff member where the person making the accusation does so knowing that the accusation is false.  
  
Penalty Range: Reprimand, detention, in-school suspension, out-of-school suspension, permanent suspension, legal action.
  
7. **Fighting**  
Fighting in school or on school property with other students or school staff.

Penalty Range: Reprimand or verbal warning, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension, legal action.

8. **Firearms and Weapons**

Carrying or displaying any instrument which may cause bodily harm.

Penalty Range: Detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension, legal action.

*For the purpose of this policy, the term "firearm" shall mean any device (including a starter gun or imitation pistol) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or otherwise; the frame or receiver of such device; any firearm muffler or silencer; or any destructive device. The term does not include an antique firearm as defined by law.*

*The term "weapon" shall mean any items listed in Section 265.01 of the New York State Penal Law (without regard to any requirement of intent to use such item), any form of chemical spray device (e.g., mace, pepper spray), and any object, instrument or device possessed by any person evidencing an intent to use it or to allow it to be used to inflict physical injury upon or to cause annoyance to a person or to damage property or to cause a disturbance.*

9. **Fireworks**

Any explosive device or inflammable material is prohibited on school property.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension, legal action.

10. **Forgery**

Copying, altering or falsifying written documents.

Penalty Range: Reprimand, detention, loss of privileges, legal action.

11. **Gambling**

Engaging in a game or activity for money.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension.

12. **Illegal Absences**

Illegal absences occur when a student is absent with the knowledge and consent, stated or implied, of his/her parent/guardian for other than legal reasons.

Penalty Range: Students are required to make up missed class work. (Teachers are not required to administer make-up quizzes, tests, etc. given on days of illegal absences.) Counseling sessions with parents and student, in-school suspension, family court proceedings.

13. **Insubordination**

Failure to comply with the reasonable requests of an administrator, a teacher or a staff member.

Penalty Range: Verbal reprimand, detention, loss of privileges, in-school suspension and/or out-of-school suspension.

14. **Loitering**

Illegal presence on school property.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, legal action.

15. **Lying**

Stating an untruth.

Penalty Range: Reprimand, detention, loss of privileges.

16. **Persistent Tardiness**

Late arrival at school and/or class on a regular basis.

Penalty Range: Phone call and/or letter to parents/guardians, counseling session with parents and/or home visit, detention, in-school suspension.

17. **Presence Under the Influence**

Consuming at school, or being present at school after having consumed alcohol, any form of controlled substance or other form of intoxicant (excluding medication taken pursuant to a valid prescription).

Penalty Range: Out-of-school suspension, permanent suspension, legal action.

18. **Safety Equipment**

Tampering with fire-fighting and other safety equipment.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, legal action.

19. **School Vandalism**

Damage at any time to school property.

Penalty Range: Reprimand, detention, in-school suspension, out-of-school suspension.

20. **Swearing**

Swearing or abusive language and gestures.

Penalty Range: Reprimand, detention, in-school suspension, out-of-school suspension.

21. **Textbook Accounting**

It is the student's responsibility to account for all textbooks, workbooks, library books and all other school property issued for course work by teachers. Students must understand that all school property made available for their use must be returned in good condition.

Penalty Range: Lost or damaged books will be paid for by the student. Report cards will not be issued until all such obligations have been met.

22. **Theft**

Taking money or property that belongs to another.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, legal action.

23. **Threats**

Any oral, written, or electronic threat of physical harm against a school employee or student, whether stated directly to the person who is the subject of the threat or stated to another party.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension.

24. **Harassment**

Any non-physical abuse of students, teachers, or other staff members on school property, including school functions and school busses, by any student and/or employee. Harassment may include, among other things, the use of both on and off school property, of information technology, including but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to

deliberately harass or threaten others. Examples – teasing, name-calling, bullying. This includes profanity directed at any staff member.

Penalty Range: Reprimand, detention, loss of privileges, in-school suspension, out-of-school suspension, permanent suspension.

25. **Traffic Regulations**

Students who ride bicycles or drive automobiles to school are expected to obey all traffic rules and park in the designated areas.

Penalty Range: Reprimand, loss of privileges, legal action.

26. **Truancy**

Absence from school and/or classes without sufficient reason.

Penalty Range: Detention, in-school suspension, family court proceedings, withdrawal from school rolls for students over compulsory attendance age of sixteen (16).

27. **Use of Tobacco**

The use of and possession of any tobacco product on school property or at school events is prohibited, this includes e-cigarettes (also known as electronic cigarettes or smokeless cigarettes.)

Penalty Range: Detention, in-school suspension, out-of-school suspension.

28. **Cyberbullying**

The use of information technology, including, but not limited to e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others.

Penalty Range: Detention, in-school suspension, out-of-school suspension.

## **DEFINITIONS**

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

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

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

“**School function**” means any school-sponsored extracurricular event or activity.

“**Violent student**” means a student under the age of 21 who:  
Commits an act of violence upon a school employee, or attempts to do so.

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 or acts in concert with other persons to do so.

Possesses, while on school property or at a school function, a weapon.

Displays, while on school property or at a school function, what appears to be a weapon.

Threatens, while on school property or at a school function, to use a weapon.

Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

Knowingly and intentionally damages or destroys school district property.

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

**“ Bullying”** – verbal or physical intimidation, hazing or assisting others in any of those acts, discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that:

(1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

(2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law §11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 6 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973; (b) provisions for responding to acts of discrimination and harassment against students by employees or students on school property or at a school function as defined in Education Law sections 11(1) and (2), pursuant to subdivision (a) of this section, including but not limited to disciplinary measures to be taken; and (c) guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

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

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

**“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).



**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, bisexuality or gender-nonconforming characteristics (Education Law §11[5]). A person’s emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity.

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

**“Cisgender”** is an adjective describing a person whose gender identity corresponds to their assigned sex at birth.

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

**“Gender Identity”** means a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Everyone has a gender identity.

**“Gender Nonconforming”** is a term to describe people whose gender expression differs from stereotypic expectations. The terms “gender variant” or “gender atypical” are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

**“Transgender”** means a person whose gender identity does not correspond to their assigned sex at birth.

**“Transition”** means the process by which a person socially and/or physically aligns their gender expression more closely to their actual gender identity and away from that associated with their assigned sex at birth.

**“Harassment”** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying as defined in Education Law section 11(8) that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical wellbeing; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) ) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off of school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions (Education Law §11[7])

**“Cyberbullying”** means harassment/bullying, as defined above, through any form of electronic communication.

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to: race, color, weight, national origin, ethnic group, religion, religious practice, disability.

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

**“Emotional Harm”** that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

## **DESCRIPTION OF ROLES**

It is recognized that many adults share in the responsibility for disciplining students.

A. **Teacher Responsibility**

1. Teachers are responsible for disciplining students for improper behavior in their classrooms.
2. Teachers are responsible for correcting and/or referring to their building principal students guilty of improper behavior whenever such behavior is observed.

B. **Administrator Responsibility**

The building administrator or his/her designee will be responsible for disciplining students:

1. who are guilty of extreme or repeated classroom misconduct.
2. who are guilty of violations of the Discipline Code outside the responsibility of the classroom teacher.

C. **Parent / Guardian Responsibility**

1. The student's parent/guardian has a responsibility to work cooperatively with school personnel seeing that the school rules and regulations are adhered to.
2. The parent/guardian has the responsibility to make him/herself available to meet with school personnel when a need arises and to inform appropriate school personnel about matters that may directly or indirectly affect a child's performance and/or behavior.

D. **School Board Responsibility**

1. The Board of Education has the responsibility to see that a written policy on school conduct and discipline is adopted.
2. The Board of Education shall fully support faculty, staff and administration in the implementation of effective and just discipline.
3. The Board of Education shall see that this policy is distributed to parents/guardians, students and staff. The policy shall be available in the appropriate language.

**SEQUENCE OF DISCIPLINARY PROCEDURES**

For each offense under this policy, a penalty range is identified and any of the penalties may be imposed in any order based on the severity and/or frequency of infractions as determined by the building administrator. The philosophy of the district is that, as a general rule, disciplinary action should be progressive in nature. However, the penalty or penalties imposed upon a finding of guilt in each individual case will be determined at the basis of all of the circumstances of the offense as well as the previous record of the student involved.

1. Teacher / Student Discussion
2. Teacher-Assigned Discipline and/or Parent Contact
3. Guidance and/or Parent Conference
4. Referral to Administrator / Supervisor\*
5. Conference Between Administrator / Supervisor and Student (Teacher and/or parent/guardian shall be present if deemed necessary.)
6. Administrator's / Supervisor's Decision and Feedback to the Referring Staff
7. Superintendent's Hearing

\* An anecdotal report of the incident must be submitted whenever the discipline procedure goes beyond Step 4.

**SUGGESTIONS FOR BUILDING LEVEL MEETINGS REGARDING DISCIPLINE**

- A. Each building should concern itself with developing measures to prevent, as much as possible, infractions of discipline before they occur.
- B. Each building will devise a plan for the dissemination of the Discipline Code to its faculty, students and parents on an annual basis and provide for the instruction of students regarding the Student Behavior Code.

- C. Each building will devise whatever forms are needed for reporting violations of discipline and set up a time requirement wherein the Sequence of Disciplinary Procedures ought to be accomplished.
- D. Each building will examine the feasibility of developing other approaches toward solving exceptional discipline problems through alternative scheduling, programs, et. al., and such recommendations shall be forwarded to the Superintendent of Schools for consideration and/or implementation.

### **DISCIPLINE PROCEDURES FOR STUDENTS WITH EDUCATIONAL DISABILITIES**

The Student Behavior Code applies to all students including those classified by the Board of Education as having an educational disability. However, special care must be taken to ensure that these students understand the Student Behavior Code.

When serious or frequent behavior problems arise with a student with an educational disability, an exploration of the reason for the behavior should be made. It should be determined whether the reason for the behavior is related to or the result of his/her educational disability or an inappropriate placement. The due process rights of students with disabilities are clearly defined in Part 100 of the Commissioner's Regulations.

Procedures will include the following:

- 1. Special education teachers will review the Student Behavior Code with their students periodically.
- 2. The classroom teacher, student supervisor and/or the building principal will refer to the Committee on Special Education when:
  - a. It appears that normal disciplinary procedures are ineffective in remedying the problem.
  - b. A long-term [in excess of five (5) days] suspension is deemed necessary. \*
  - c. A succession of short-term in-school or out-of-school suspension accumulates to ten (10) or more days per year. \*
  - d. The student's placement is felt to be inappropriate.

\*NOTE: The Committee on Special Education must meet by or on day ten. Therefore, the referral should be made if more than six (6) days of suspension have accrued.

NOTE: The Supreme Court has ruled that the long-term suspension of a student with an educational disability constitutes a change in placement. The Commissioner has ruled that successive short-term suspensions may constitute a significant change in placement. Imposing repeated short-term suspensions within a limited period of time is essentially equivalent to imposing long-term suspension.

The District Committee on Special Education will meet immediately. In all cases, the Committee on Special Education will meet on or prior to the tenth day of suspension to determine:

- 1. whether the student's behavior was related to the educational disability;
- 2. whether the student's behavior presents a serious danger to him/herself or others;
- 3. whether the student's classification, placement and/or program needs to be changed to better meet student's needs.

Where the District Committee on Special Education determines that the student's actions are related to his/her educational disability, the Committee must recommend alternate placement and/or program changes. If the District Committee on Special Education determines that the behavior is not related to the educational disability, disciplinary action will be determined by normal disciplinary procedures.

In all cases, the due process rights pertaining to the placement of a child with an educational disability and the due process rights pertaining to suspension of a student will be granted to the student and his/her parents/guardians.

### **ALTERNATIVE EDUCATIONAL PROGRAMS**

Some alternative educational services are available for the atypical student. The District maintains an ongoing high school equivalency program. Students with problems are made aware of various services that are provided by various community agencies that have linkages with the School District.

#### **MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY**

The following rules and regulations for maintenance of public order on school property have been adopted by the Dunkirk Board of Education:

1. These rules and regulations shall govern the conduct of students, teachers and other staff as well as visitors and other licensees and invitees.
2. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of peaceful assembly.
3. These rules and regulations shall apply to all School District owned or operated buildings and property.
4. These rules and regulations may be supplemented by additional rules and regulations for the maintenance of public order approved and adopted by the Board of Education and filed with the Commissioner of Education and Board of Regents.
5. Nothing herein is intended, or shall it be construed, to nullify any existing Board or administrative policy, rule or regulation previously adopted or to be subsequently adopted not in conflict herewith.
6. No person, either singly or in concert with others shall:
  - a. Willfully cause physical injury to any other person or 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.
  - b. Physically restrain or detain any other person or remove such person from any place where he/she is authorized to remain.
  - c. Willfully damage or destroy property at the School District or that which is under its jurisdiction or remove or use such property without authorization.
  - d. Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member.
  - e. 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.
  - f. Without authorization, remain in any building or facility after it is normally closed.
  - g. Refuse to leave any building or facility after being required to do so by an authorized administrative officer or his/her designee.
  - h. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
  - i. Deliberately or willfully disrupt or prevent the peaceful and orderly conduct of classes, assemblies, lectures, meetings or any other school program or activity, interfere with the lawful and authorized activities of others or deliberately interfere with the freedom of any person to express his/her views, including invited speakers.
  - j. Knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shot gun, pistol, revolver or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person.
  - k. Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

7. A person who shall violate any of the provisions of these rules and regulations shall:
- a. If he/she is a licensee or invitee, have his/her authorization to remain upon the premises withdrawn and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection.
  - b. If she/she is a trespasser or visitor without specific license or invitation, be subject to ejection.
  - c. If he/she is a student, be subject to removal from the premises or such lesser disciplinary action as the facts of the case may warrant including in-school suspension or out-of-school suspension, probation, loss of privileges, reprimand or warning.
  - d. If he/she is a faculty member having a term or continuing appointment, be subject to such discipline as is consistent with applicable Education Law and collective bargaining agreements.
  - e. If he/she is a staff member in the classified service of the Civil Service described in Section 75 of the Civil Service Law, be guilty of misconduct and be subject to the penalties described in said section.
  - f. If he/she is a member other than ones described in subdivisions d and e, be subject to dismissal, suspension without pay or censure.
8. The chief administrative officer shall be responsible for the enforcement of these rules and regulations and shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect. In the case of any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and warn such persons of the consequences of persistence in the prohibited conduct. In any case, where violation of these rules and regulations does not cease after such warning and in other cases of willful violation of such rules and regulations, the chief administrative officer or designee shall initiate action as here and before provided. The chief administrative officer or designee may apply to the public authorities for any aid which is deemed necessary for the maintenance of public order and may request the School District counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules and regulations.

These rules and regulations are filed with the Commissioner of Education and all amendments to such rules and regulations shall be filed with the Regents and the Commissioner of Education no later than ten (10) days after their adoption.

#### **LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

##### **Vandalism**

Every citizen and resident of the school district should, and all staff members and students will, report any incidents of vandalism or theft of school property and the name(s) of the person(s) believed to be responsible to the appropriate building administrator or Superintendent of Schools.

Each school administrator shall submit to the Superintendent a full and detailed report of any vandalism, damage to, or theft of school property including school buildings, furniture, equipment or other property on the form prescribed. Such report shall be forwarded to the Superintendent as soon as possible.

The Superintendent shall be responsible for reporting such incidents to the Board of Education.

The Board of Education shall determine that legal action against a vandal and/or his parents/guardians shall be brought to recover costs for damages caused by a willful, malicious or unlawful act of their child or a child of whom they have custody. The Superintendent and the school attorney shall take whatever steps are deemed appropriate to recover costs for damages.

The Board of Education will also determine whether to offer monetary rewards for information leading to the arrest and conviction of vandals or thieves of district property.

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

#### **False Reporting of an Incident and/or Placing a False Bomb**

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, the County District Attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

#### **STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees. Student dress and appearance must be in accordance with the District Code of Conduct. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

#### **SUSPENSION OF STUDENTS**

The Superintendent and/or the Principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

#### **Suspension: Five Days or Less**

The Superintendent and/or the Principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the Principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the Principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student may be suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the suspending authority.

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

Teachers shall immediately report or refer a violent student to the Principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period.

#### **Suspension: More Than Five School Days**

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

#### **Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and the District's Code of Conduct, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.

A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

### **Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the District's Code of Conduct and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, the Committee on Special Education shall conduct a review of the relationship between the child's disability and the behavior subject to the disciplinary action. If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability, the student may not be removed from the current placement unless in accordance with law. The student shall be referred to the CSE for program modification. If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) for up to forty-five (45) school days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others.

There are three specific instances when a student with a disability may be placed in an IAES for up to 45 school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or a school function; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. Serious bodily harm has been defined in law to refer to one of the following:
  1. Substantial risk of death;
  2. Extreme physical pain; or
  3. Obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or faculty.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

In all cases, the student placed in an IAES will continue to receive all educational services necessary to make progress on his/her IEP. The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.



### **Suspension From BOCES**

The BOCES Principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

### **In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

The 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 Board 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 Board of Education directs the Superintendent of Schools to develop an in-school suspension program at the secondary level (middle and high schools). The program shall provide appropriate supervision, guidelines and regulations.

NOTE: At the elementary level, each building administrator shall have a plan for removing an unruly student from a class; however, a formal suspension room will be established (Teacher Removal Room (TRR)).

### **Regulations for In-School Suspension Program at the Secondary Level**

1. At the discretion of the building administrator, 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) consecutive school days.
2. Prior to the imposition of an in-school suspension, the building administrator 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 of the dates of the suspension and the reasons therefore. The parent(s) shall be given an opportunity for a conference with the principal and any appropriate teachers or staff.
4. The student's teachers will be notified in writing that assignments for the period of suspension must be sent to the suspension room.
5. The student suspended shall report to the suspension room as assigned.
6. The student will remain in the suspension room during the full school day with appropriate breaks.
7. At the discretion of the building administrator, a parent conference may be held before the student is permitted to return to his/her regular class schedule.
8. The suspension room will retain an atmosphere of quiet, conducive to study, with strict rules of behavior.
9. The ISS teacher shall enforce the rules of behavior in the suspension room and will render tutorial assistance where possible. The monitor will also be alert to student behaviors or problems which may require referral to the school psychologist, guidance counselor or other professional. The monitor will also, where appropriate, recommend steps to improve a student's behavior.
10. The ISS teacher shall be compensated at an hourly rate to be determined by the Board of Education.

NOTE: It is understood that the administration may immediately suspend students from school when deemed appropriate. The in-school suspension program is being implemented as an alternative that may be used when deemed appropriate by the administrator.

### **BOCES Activities**

BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

### **Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the Building Principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education prior to commencing an appeal to the Commissioner of Education.

### **STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications.

### **Standards of Acceptable Use**

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the District Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should NOT expect that information stored on the DCS will be private.

### **Notification/Authorization**

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and student in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the DCS.

"Passive Consent" (Opt-out) Student access to the DCS will automatically be provided unless the parent has submitted written notification to the District that such access not be permitted. Procedures will be established to define the process

by which parents may submit a written request to deny or rescind student use of the DCS in accordance with law, Commissioner's Regulations and/or District policies and procedures.

Regulations will be established as necessary to implement the terms of this policy.

### **ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes), or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

#### **Statement**

The Board of Education of the Dunkirk City School District recognizes that the use/abuse of tobacco, alcohol and other substances inhibits the educational process and poses critical physiological, psychological, social, disciplinary and legal problems for the entire community. Therefore, it is the responsibility of the District to respond by providing educational support, assessment and referral services and by developing and implementing appropriate enforcement procedures. To the extent possible, these policies, procedures and programs will be prepared in consultation with parents/legal guardians and students. There will be provision for community input, while using talents and resources of appropriate State and local agencies.

#### **Philosophy**

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:

1. Alcohol, tobacco, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance use/abuse is preventable and treatable.
2. Alcohol and other substance use/abuse inhibits the District from carrying out its central mission of educating students.
3. The District can and must assume a leadership role in alcohol, tobacco and other substance use/abuse prevention. Therefore, the Board of Education, administration and all staff members recognize, above all else, the importance of maintaining exemplary standards where the safety and welfare of students are concerned. Our responsibility, as an educational institution working with children and youth is to reinforce the values inherent in our curriculum and instructional objectives through appropriate attitude and behavior.
4. It will be the policy of the Board of Education that no person may use, possess, sell or distribute alcohol or other illegal substances nor may use or possess drug paraphernalia on school premises, on school transportation or at school— sponsored events except medication as prescribed by a physician.

The terms "alcohol and 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, anabolic 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.

Absolutely no smoking is permitted at any time during or after school hours on the school premises by students. Smoking is defined as actually smoking, having smoking materials in hand with intent to smoke, serving as lookout for

smokers, using chewing tobacco or other similar situations, this includes e-cigarettes (also known as electronic cigarettes or smokeless cigarettes.)

Additionally, any person exhibiting behavior, conduct, or personal or physical characteristics indicative of having used or consumed alcohol or other illegal substances shall be prohibited from entering school premises, school transportation or school-sponsored events.

### **Objectives**

While the District can and must assume a leadership role in alcohol, tobacco and other substance use/abuse prevention, this goal will be accomplished only through coordinated, collaborative efforts with parents/legal guardians, students, staff and the community as a whole. The District will work toward accomplishing the following objectives in effecting this goal. The District will:

To the extent possible, determine the extent and character of substance use/abuse and establish a means of monitoring that use regularly based upon referrals to MSAT (Masons Student Assistance Teams) at each level.

Establish clear and specific rules regarding substance use/abuse that include strong corrective actions.

The administration shall enforce established policies against substance use/abuse fairly and consistently; implement security measures to eliminate alcohol, tobacco, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substances on school premises, on school transportation and at school functions.

Implement a comprehensive alcohol, tobacco, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance use prevention curriculum for kindergarten through grade twelve. The curriculum will provide education regarding the effects of such use/abuse as well as the legal implications of the use of these substances and will provide for the supporting and strengthening of resistance to substance use.

Reach out to the community for support and assistance in making the District's comprehensive policy and programs concerning alcohol and other substances work. Develop collaborative arrangements in which school personnel, parents/legal guardians, school boards, law enforcement officers, treatment organizations and private groups can work together to provide necessary resources.

### **Primary Prevention**

Preventing or delaying alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substances use/abuse;

Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.

An effort to provide positive alternatives to alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substances use/abuse through the promotion of drug/tobacco/e-cigarette/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

Drinking and driving instruction as part of required health education courses (as per the amendment to Education Law, Section 804, 1989).

### **Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

Counseling of students in groups and as individuals on alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.

Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;

Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance use/abuse.

Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;

Ensuring confidentiality as required by state and federal law.

The intent of intervention programming is to eliminate any existing use/abuse of alcohol and other substances and to identify and provide supportive services to kindergarten through twelfth grade students at high risk for such use/abuse. High risk students shall be defined by but not limited to the following criteria:

1. Substance use/abuse by parents/legal guardians and/or family;
2. Inherited genetic vulnerability;
3. Lack of bonding to family or significant institutions;
4. Skill deficits;
5. Family management problems;
6. External stressors.

The components of the intervention programming shall include:

Providing alcohol and other substance use/abuse assessment and counseling services for students. This will be accomplished through the collaborative efforts of the DFSCA counselor who is the staff prevention/intervention specialist, the MSAT core teams and the building administrators.

Developing a referral process between District schools and community providers. This referral process can be initiated through the MSAT teams and through the building administrators to the DFSCA counselor who will serve as a bridge between school, home and local agencies.

Identifying and referring students to appropriate agencies when their use/abuse of alcohol and/or other substances requires counseling and/or treatment. This goal will be accomplished utilizing the combined resources of the parents/legal guardians, the MSAT core teams, the building administrators, the DFSCA counselor and the appropriate community providers.

Providing services to students in or returning from treatment to assure that the school environment supports the process of recovery initiated in the treatment. The District will establish a support network of aftercare which will utilize the combined resources of the community through support or support/therapy groups and appropriate agencies and of the School District through family education programs, peer counseling programs, recovery support programs and insight programs. The school-based programs will be developed and facilitated through the building administrators, the MSAT core teams and the DFSCA counselor.

Providing opportunities for access to individual, group and family counseling targeted at students at high risk for alcohol and/or other substance use/abuse. The IMPACT/YES core teams and the DFSCA counselor will keep up-to-date referral and resource files of local or accessible agencies which provide appropriate care, both in-patient and outpatient.

Educating parents on when and how to access the District's intervention services. This will be accomplished through the collaborative efforts of the MSAT core teams, the building administrators and the DFSCA counselor. The DFSCA counselor will provide a bridge of communication between the school and the home. Confidentiality will be maintained at all times unless a release of information has been signed by the parent/legal guardian and/or the student to release specific information to specific individuals. The release of information requested when sharing information will be in the best interest of the student.

#### **Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes), illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the District's Code of Conduct on School Property.

It is expected by the Dunkirk Board of Education that all students come to school unimpaired by narcotics, hallucinogenic drugs or intoxicants and that they remain so for the entire school day. The same expectations are held for student attendance and participation in any school-sponsored activity and for student behavior on school transportation.

Any student of the Dunkirk City School District who is impaired or who possesses, furnishes, uses or sells narcotics or other hallucinogenic drugs or intoxicants on school premises or on school transportation shall be subject to suspension or other disciplinary action. Any student who sells narcotics or other hallucinogenic drugs or intoxicants shall be mandatorily recommended to the Superintendent of Schools and the Board of Education for extended suspension. PARENTS/GUARDIANS ARE TO BE NOTIFIED IMMEDIATELY IN ALL CASES.

#### **Procedures**

A student suspected of being under the influence or in possession of narcotics and/or alcohol is to be taken immediately by the appropriate staff member to the principal's office of the school in which he/she is enrolled.

The school administrator shall be notified immediately by the appropriate staff member of the suspicions regarding the student. The administrator shall notify the nurse, the MSAT core team, the DPSCA counselor and other appropriate staff.

If, in the opinion of the members of the school staff, the student is suspected to be under the influence of narcotics and/or alcohol and/or possession of narcotics, the parents of the student will be informed by the building administrator or the DFSCA counselor that the student has violated Board policy.

If any student is found selling a controlled substance, the parents of the student will be informed that the student has violated the Board policy on drugs and alcohol and the student will be suspended at home for five (5) days and will be recommended by the building administrator to the Superintendent of Schools and the Board of Education for extended suspension.

The School District will abide by the law in reporting drug/ alcohol cases to law enforcement authorities. Should any such notification take place, the parents of the student shall be so informed by the building administrator.

If law enforcement officers are notified and if the parents are unable to be present when the student is removed from the school by the officers, the school shall contact the parents to inform them.

Upon the written request or consent of a parent/legal guardian of a child, the District shall have the right granted by Section 912-a of the Education Law as it pertains to urine analysis for drug detection.

A meeting of parent/legal guardian and student with school officials.

Student is encouraged to tell how, where and from whom he/she received the illegal substance. The student and parents will sign a contract stating :

- a. they acknowledge a drug and/or alcohol problem;
- b. he student agrees not to use drugs or alcohol again and will participate in a drug counseling and rehabilitation program.

### **Penalty for Violation of the Contract and Board Policy**

Five (5)-day out-of-school suspension followed by a five (5)-day internal suspension. The five (5)-day out-of-school suspension will be removed providing the parent/legal guardian and student attend a drug assessment clinic. The student will follow and carry out the recommendations provided by the agency.

Such recommendations received by the District shall be placed in a confidential file. The intent of the District is to help the student cope with and eliminate the problem. The District will furnish the student with information as to the area resources that would be able to assist him/her.

### **Smoking as it Pertains to Students**

There will be no smoking permitted, this includes e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) as described in the philosophy section of this policy, on school premises, at school-related functions or on school transportation. The penalty for such an infraction will be three (3) days of internal suspension.

### **Searches and Interrogations**

School lockers are owned by the School District and are made available to students. While a student may have exclusive use of a locker as far as other pupils are concerned, he/she does not have exclusivity over the locker as against school authorities. The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. This authority may be exercised as needed in the interest of safeguarding children and adults in the school building and in the interest of protecting personal and school property. Periodic, random inspections shall be made by proper school authorities.

Nevertheless, exercise of that authority by school officials places unusual demands on their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the District.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.) and the seizure of items in his/her possession:

There should be reasonable cause for school authorities to believe that articles are kept in the locker, desk or other storage space whose possession constitutes a rule violation or a crime.

School authorities may randomly search lockers and desks in an attempt to ensure that dangerous, illegal items are not on the premises.

General housekeeping inspection of school property may be conducted.

Illegal items (weapons, drugs, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

### **Searches of Student Property by Police**

A search warrant is required for any search by police authorities of a student's personal property kept on school premises.

Should a suspected immediate threat to the safety or security of others arise, searches may be conducted without a warrant.

### **Interrogations by Police**

Recognizing that the schools have legal custody of students during the school day and during hours of approved extracurricular activities, the school administration will try to protect each student under its control; therefore:

The police shall be encouraged by the school authorities to question students out of school and in the home whenever possible.

The police will be permitted to question students within the schools only when the officer has a warrant for the arrest of the student or if the police are investigating a crime that took place on school property.

If possible, the parent/legal guardian of the student to be interviewed should be notified by the police or school administrator before the student is questioned so that the parent/legal guardian may be present if he/she desires.

A school official should request to be present during such interrogation.

If it becomes necessary to remove a child from school, the parent/legal guardian must be notified.

School administrators should notify the local police department any time criminal activity takes place on school property.

#### **Athletic Department, Alcohol and Other Substance Policy**

This policy of the Board does not supersede the athletic contract. That contract is a separate additional policy that governs athletics. Athletes who sign contracts are responsible to the athletic department in addition to being governed by the Dunkirk City School District Alcohol and Other Substance Policy. The athletic department will enforce its contracts. Behavior being dealt with by the MSAT core teams and the DPSCA counselor will be reported to the athletic department. Athletes who commit infractions of the rules concerning alcohol, tobacco and other substances shall be dealt with on the basis of the general procedural guidelines of the athletic department. These guidelines describe several options available to the athlete which involve interventions, assessment, referral and reinstatement.

#### **Employee Assistance Program Policy**

The Dunkirk School System, by way of this policy, will establish and maintain an Employee Assistance Program covering all employees represented by the Dunkirk Administrators Association, Dunkirk Teachers Association, and the Civil Service Employees Association, and family members who reside in the same household. The District will contract with a professional Employee Assistance Program practitioner to implement, administer and maintain the Program. The Program is intended to complement, not replace, any and all existing personnel policies and procedures. All Employee Assistance Program procedures are strictly confidential.

#### **Purpose**

The District recognizes that the success of its organization depends largely on the capability, productivity and dependability of its employees. It further recognizes the realities that exist in society and the related impact on the work environment as follows:

\*Employees as a normal part of life, experience personal difficulties and setbacks that do not end when the employee reports to work.

\*Sometimes personal difficulties affect job performance, resulting in increased costs and/or a detrimental effect on the educational program.

\*Employees seldom seek professional assistance on their own without a formal assistance program.

The Employee Assistance Program has been implemented to encourage employees to access counseling services and to remove the social barriers that prevent employees from seeking professional assistance.

It is recognized that the ongoing existence of personal and work-related difficulties creates additional and often unnecessary expenses to the District in the form of reduced morale, productivity, efficiency, increased absenteeism, turnover, accidents and benefit costs. The early identification of personal and work-related concerns and a reasonable effort to assist in the resolution of such difficulties benefits the District by countering and reversing the effects of such difficulties. The Employee Assistance Program is provided to assist in the prevention as well as the intervention of personal difficulties resulting in improved quality of life for employees and increase productivity for the District.

#### **Procedure**

The program is available during the normal business hours of 6:00 a.m. to 5:00 p.m. through a toll-free telephone number, Monday through Friday, to any employee or family member residing in the same household. A counselor is on call twenty-four (24) hours a day, seven (7) days a week, for emergency situations that may arise. Any contact with the program is completely confidential unless the employee signs a release of information authorizing specific information to be released. The program is provided at no cost to the employee for the diagnostic evaluation counseling.



### **Voluntary Referral**

Any employee who wants help is encouraged to contact the Program on a direct voluntary basis. Any appointment made must be scheduled on the employee's time off.

### **Administrative Referral**

Situations may occur which require an administrator to seek assistance in handling an employee problem. Administrators may refer employees to the Program when job performance has reached the level of disciplinary action. Any employee cannot be forced to accept the Program nor can an employee be disciplined for not accepting the referral. Disciplinary action can be taken only for unacceptable job performance and then only in accordance with an employee's legal and contractual rights.

### **Responsibility**

The District will designate an individual to act as the Employee Assistance Program Liaison. The liaison is responsible for coordinating and facilitating all Program activities with the Program Contractor including training activities, distribution of materials and to evaluate Program performance.

### **Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs, e-cigarettes (also known as electronic cigarettes or smokeless cigarettes) and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

The Board recognizes that if the administrative, instructional and non-instructional staff are to be responsible for understanding and implementing this policy, they must be trained about the components of an effective alcohol and other substance prevention program. Staff training will be an ongoing process including the following:

1. For all staff

An understanding of why individuals use/abuse alcohol and other substances.

Their role in implementing this policy including how to identify students who exhibit high risk behaviors or who are using/abusing alcohol and other substances and how to refer these students to the appropriate services established by this policy.

Awareness of personal risk factors for alcohol and other substance use/abuse so that they may identify personal use/abuse problems and seek assistance.

Awareness of the special needs of students returning from treatment.

These objectives will be accomplished through in-service programs provided by the collaborative efforts of the prevention/intervention specialist, the MSAT core teams, the building administrators and prevention educators from the appropriate community agencies.

2. Additionally for teachers, the knowledge and skills necessary to implement the District's K-12 curriculum for prevention of alcohol and other substance use/abuse. (It is hoped that whenever possible, teachers will take advantage of appropriate continuing education opportunities made available by the District or on their own to keep abreast of developments concerning substance use/abuse education.)
3. For intervention staff, appropriate staff training or those designated to carry out the intervention function to assure that their assessment, individual, group and family counseling and referral skills support the needs of high-risk, using and abusing youth.
4. For prevention staff, appropriate staff training to assure the necessary knowledge and skills to support the application of prevention concepts through programming targeted at the school, home and community. The

MSAT core teams will work collaboratively with the DFSCA counselor, the building administrators and other available substance use/abuse professionals to provide students, parents/legal guardians and the community as a whole with opportunities for group and/or individual support and education. Of special importance will be efforts aimed at youth in recovery from substance abuse problems and high-risk youth, especially the children of users/abusers.

#### **Implementation, Dissemination and Monitoring**

The Board of Education charges the Superintendent of Schools to collaborate with District staff, parents/legal guardians, students, community members, organizations and agencies, including alcohol and other substance abuse service providers, in developing the specific programs and strategies necessary to implement this policy.

Upon adoption, copies of the policy will be distributed to and reviewed with all District staff, students and parents/legal guardians annually and will be disseminated to the community through its organizations. This policy will be made available in its full and complete form through a mailing to each parent/legal guardian at his/her place of residence and to each student through the distribution of the student handbook.

The Superintendent of Schools is responsible for providing the Board of Education with an annual review of this policy, the programs and strategies implementing it and his/her recommendations for revisions of the policy. Input will be gathered from the unions in the District and other appropriate sources. The annual report itself will be drawn from the collaborative efforts of the MSAT core teams, the DFSCA counselor, the building administrators, and the Director of Special Education.

#### **SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

The age of the student;

The student's record and past history;

The predominance and seriousness of the problem in the school where the search is directed; and

The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

#### **Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

#### **Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by school officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

#### **Law Enforcement Officials**

It shall be the policy of the Dunkirk City School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

#### **Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

### **BUS RULES AND REGULATIONS**

The Dunkirk City School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus. The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

### **STUDENT CONDUCT ON BUSES**

It is the purpose of this procedure to promote cooperation between students, parents and school authorities. The importance of the role of the parent(s)/ guardian(s) is recognized through the motivation and guidance received at home. The school bus drivers are responsible for the reasonable behavior of students in transit. The appropriate school administrator or designee shall be responsible for initiating, at his/her discretion, the due process disciplinary procedure as follows:

- A. The bus driver will make an attempt to correct any disciplinary problems by asking the student to behave and, if necessary, by assigning seats to certain students.
- B. If the disorderly or insubordinate behavior continues, the bus driver will report the incident in a manner prescribed to the student's principal or administrator. The principal or administrator will attempt to correct the behavior using established procedures within the building and advise the bus driver of action taken or to be taken.
  - 1. If the disorderly or insubordinate behavior continues, the bus driver will report the incident in a manner prescribed to the student's principal or administrator. The parent or guardian of the student will be notified and an effort made to correct the situation with parent cooperation, and the bus driver will be advised of any progress or action taken or to be taken.
  - 2. If the disorderly or insubordinate behavior continues, the bus driver will report the incident in a manner prescribed to the student's principal or administrator. The parent or guardian will be requested to attend a conference with the principal or administrator, and the bus driver will be advised of any progress or action taken or to be taken.
  - 3. If the disorderly or insubordinate behavior continues, the bus driver will report the incident in a manner prescribed to the student's principal or administrator. The principal or administrator shall confer with the student and, if deemed necessary, suspend the student from transportation for five days or less. If suspension is necessary, the parent or guardian shall be immediately notified and requested to attend a second conference with the principal or administrator, and the bus driver will be advised of any progress or action taken or to be taken. During the period of suspension, the parent shall be responsible for providing transportation.
- C. If the disorderly or insubordinate behavior continues, the bus driver will report the incident in a manner prescribed to the student's principal or administrator. The principal or administrator shall confer with the student and recommend to the Superintendent of Schools a long-term suspension from transportation. The Superintendent of Schools will provide the student with due process by conferring with the student and parent before imposing a long-term suspension. The parent shall be responsible for providing transportation during the period of suspension.

### **HARASSMENT**

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

## **CORPORAL PUNISHMENT**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

Self-protection;  
Protection of others;  
Protection of property; or  
Restraining/removing a disruptive student.

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

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Dunkirk City School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

## **WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT**

### **Weapons in School**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall be used to determine what is considered a weapon.

Penal Law Sections 265.01-265.06

Specific Penalties Imposed by the Gun-Free Schools Act

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act and Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one

(1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

#### **Student with a Disability**

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

#### **PUBLIC COMPLAINTS**

Complaints by citizens regarding any facet of the school operation often can be handled more satisfactorily by the administrative officer in charge of the unit closest to the source of the complaint. In most instances, therefore, complaints will be made to the Building Principal and/or his/her assistant if the matter cannot be resolved by the teacher, coach or other school employee.

If the complaint and related concerns are not resolved at this level to the satisfaction of the complainant, the complaint may be carried to the Superintendent and/or one of his/her assistants. Unresolved complaints at the building level must be reported to the Superintendent by the Building Principal. The Superintendent may require the statement of the complainant in writing.

If the complaint and related concerns are not resolved at the Superintendent level to the satisfaction of the complainant, the complaint may be carried to the Board of Education. Unresolved complaints at the Superintendent level must be reported to the Board of Education by the Superintendent. The Board of Education reserves the right to require prior written reports from appropriate parties.

In addition, the Board of Education reserves the right for final disposition of the matter following a thorough investigation. Individuals may appeal to the Commissioner of Education if they are not satisfied. Information to pursue this channel may be obtained from the office of the Superintendent.

### **COMPLAINTS AND GRIEVANCES BY STUDENTS**

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- A. Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- B. Developing an appeals process;
- C. Ensuring that students have full understanding and access to these regulations and procedures; and
- D. Providing prompt consideration and determination of student complaints and grievances.

#### **Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The Superintendent shall designate a district employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status or marital status.