

Schenectady City School District

# Code of *Conduct*



*Over 150 Years of Excellence in Education*



2007 - 2008

108 Education Drive - Schenectady, NY 12303  
518.370.8100

[www.schenectady.k12.ny.us](http://www.schenectady.k12.ny.us)

Schenectady City School District

# Code of Conduct

## TABLE OF CONTENTS



Introduction .....	1
Standards for Student Conduct .....	1
Public Conduct on School Property .....	4
Procedures, Consequences and Disciplinary Codes .....	5
Level System .....	7
Student Dress Code .....	12
Use of Physical Restraint .....	17
Student Rights and Responsibilities .....	17
Prohibited Student Conduct .....	21
Guidelines for Student Suspensions .....	24
Discipline of Students with Disabilities .....	30
Dissemination and Review .....	35



## Board of Education

Jeff P. Janiszewski, President  
John F. Mitchell III, Vice President  
Linda Bellick  
Maxine J. Brisport  
James R. Casino  
Lisa Russo  
Warren R. Snyder



## Administration

Eric D. Ely  
Superintendent  
  
William E. Roberts, Ed.D  
Assistant Superintendent for Business



Schenectady City School District  
108 Education Drive - Schenectady - NY 12303

Further, the Board of Education will require review, provide in-service training of faculty and staff and communicate to constituents about the code of conduct.

- Review the code of conduct annually
- Sponsor an in-service education program for all faculty and staff members to ensure the implementation of the code of conduct.
- Hold at least one public hearing before approving an updated or revised code of conduct and;
- File its code of conduct and any amendments to it with the Commissioner of Education within 30 days of adoption.

**Contact**

If you have questions or concerns about your child, please contact your school principal.

.....

**Office of Community Involvement  
and School Safety/Security**

**881 - 3936**

# Welcome

The Schenectady City School District Code of Conduct was developed in consultation with teachers, parents, students, administrators and other school/community representatives. It was adopted by the Board of Education with the expectation of full compliance by all persons on school property or participating in or attending school functions. For the purpose of this code of conduct, "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 the district's elementary and secondary schools or in or on a school bus, and "school function" means any school-sponsored extracurricular event or activity, whether on or off-campus.

It is the policy of the Board of Education that principals may, with the approval of the Superintendent, establish additional rules of behavior in individual schools, so long as they are not contradictory with the district wide code of discipline.

## STANDARDS FOR STUDENT CONDUCT

### Attendance

Regular attendance and punctuality are expected of students from the first day of school. Children should understand that regular school attendance is essential to their educational development and well-being. With some exceptions, every child enrolled in school is expected to be present. State law specifies that certain legal absences are permitted, of which personal illness is most common. The district attendance policy can be found on the district website at: <http://www.schenectady.k12.ny.us/PoliciesandProcedures/DistrictAttendancePolicy.htm>



### Classroom Behavior

In order to ensure the greatest opportunity for academic success, it is expected that students will:

- Follow prescribed classroom rules.
- Be on time and prepared for class.
- Observe the rights of others to learn without disruption.
- Respond to directions given by teachers, administrators and other school personnel in a respectful, positive manner.



### Academic Expectations

In order to achieve academic expectations, students will:

- Come to school prepared to participate in classroom activities.
- Be actively engaged in class instruction, give every assignment their best effort, strive toward their highest level of achievement possible, and ask questions when they don't understand.
- Demonstrate initiative, perseverance, honesty and integrity.



### General Behavior Expectations

In order to promote an environment conducive to learning, students will:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and school property.
- Comply with all codes of conduct, rules, regulations and policies pertaining to student conduct as established by the Schenectady School District Board of Education.
- Attend school every day, on time and prepared to learn.

- If a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the component school district, which can include suspension.

3. The school district shall provide parents with notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less.

### DISSEMINATION AND REVIEW



The Board of Education will ensure that the community, faculty, students, staff and parents are aware of the code of conduct.

- Copies of the code of conduct are to be provided to all students and parents/guardians at the beginning of the school year.
- A summary of the code of conduct "in plain language" will be available for students and parents/guardians at the beginning of the school year.
- All staff will receive a copy of the code of conduct after its adoption and any revisions.
- All new employees are to receive a copy of the code of conduct when first hired.
- The Code will be available on the school district website – <http://www.schenectady.k12.ny.us>

- 2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for disciplinary purposes.
- The superintendent or building administrator imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

- A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of written information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - conducted an individual evaluation and determined that the student is not a student with a disability, or determined that an evaluation was not necessary and provided notice to the parents of such determination.
- If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other student's educational placement determined by the component school district, which can include suspension shall be provided with the opportunity for an informal conference.

- Work to develop skills to control anger and seek help in solving problems that may lead to disciplinary consequences.
- Demonstrate respect for themselves, others and property.
- Follow the school dress code.
- Accept responsibility for their actions.
- Communicate in a manner that is not demeaning, harassing, profane, obscene or discriminatory.
- Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

### Reporting Violations

All students are expected to promptly report violations of the code of conduct to any staff member or administrator. Parents/guardians with safety concerns should contact the building administrator to ensure the safety of all students and staff.



### Transportation



The safety of all students is our primary concern. All riders on school buses contracted by the District are subject to all rules set forth in the Schenectady City School District discipline code. Each student has an individual responsibility to help ensure the safety of all students on the bus by following the rules. Coming to school, going home and riding buses for extracurricular events or field trips, a student is expected to listen to and obey all instructions from transportation personnel.

**While riding the bus all students will:**

**Be Safe**

- a.) Stay in seat with your seatbelt on
- b.) Keep hands and feet to themselves
- c.) Stay clear of emergency doors windows
- d.) Keep your hands and head inside the bus at all times



**Be Respectful**

- a.) Use kind words
- b.) Use quiet voices

**Be Responsible**

- a.) Take care of their belongings
- b.) Walk carefully on and off the bus
- c.) Clean up after themselves



**PUBLIC CONDUCT ON SCHOOL PROPERTY**

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose of their visit. When an individual engages in disruptive or disorderly conduct, they will be directed to leave the school immediately.

The building principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to anyone who is not a regular staff member or student of the school.

educational setting for misconduct involving weapons, illegal drugs or controlled substances.

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

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

- Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an interim alternative educational setting either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.



Disciplinary action, when necessary, will be firm, fair and consistent in an effective manner to positively modify student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- The appropriateness of other forms of discipline.
- Information from parents, teachers, staff and/or others, as appropriate.
- Intent, mitigating factors or other extenuating circumstances.

Discipline will be progressive, meaning that a student's first violation will usually merit a lighter penalty than subsequent violations. School personnel may impose a more severe penalty for a first violation depending on the specific facts and circumstances of the incident.



2. School personnel may order the suspension or removal of a student with a disability from his/her current educational placement including:



- An interim alternative educational setting or suspension for a period not to exceed five consecutive school days, the same amount of time a non-disabled student would be suspended for the same behavior.
- An interim alternative educational setting, another setting or suspension for up to 10 consecutive school days, the same amount of time a non-disabled student would be suspended for the same behavior.
- The superintendent may order the placement of a student with a disability in an interim alternative educational setting to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to school function, the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or engages in behavior that results in a serious bodily injury.

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

4. At the end of the 45-day period, the student must be returned to his/her educational setting unless other provisions have been specifically enacted.

## DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are entitled to certain procedural protections whenever school authorities intend to impose discipline upon them. While the school has the authority to suspend or remove a child for violating the code of conduct, the parent and child have certain rights throughout the process.

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

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

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

- A "suspension" means a suspension pursuant to Education Law § 3214.
- For purposes of change in placement, a "removal" means a removal of a student for disciplinary reasons from that student's current educational placement, other than suspension; and the change of placement of a student with a disability to an Interim Alternative Educational Setting (IAES) by a superintendent of schools for behavior involving weapons, illegal drugs or controlled substances, behavior involving serious bodily injury, or by an impartial hearing officer in a dangerous situation.

## Level I

Minor misbehavior on the part of the student which impedes orderly classroom procedure or interferes with the orderly operation of the school. These acts should be handled by individual staff members but sometimes require the intervention of other school support personnel.



They will be handled as follows:

- Immediate intervention is required by the staff member supervising the student or person who observed the misbehavior.
- Repeated misbehavior may require a parent/teacher, counselor or administrator conference.

Examples	Responses
◆ Disturbance in classroom or school	◆ Verbal Reprimand
◆ Cutting Class	◆ Special assignment
◆ Dress Code Violation	◆ Parent conference (in person or phone)
◆ Inappropriate Display of affection	◆ Counseling
◆ Disrespectful language or gestures	◆ Withdrawal of privileges
◆ Failure to complete assignments or carry out directions	◆ Time-out
◆ Tardiness	◆ After school detention
◆ Lack of respect	◆ Teacher removal from class
◆ Cheating and/or lying	
◆ Abuse of school or personal property and equipment	
◆ Abusive language	
◆ Inappropriate use of district computers	

## Level 2

Frequent or serious misbehaviors that tend to disrupt the learning climate of the school and require the intervention of an administrator. This level of misbehaviors does not represent a direct threat to the health and safety of others.



These acts are usually the result of the continuation of Level 1 behaviors and will be handled as follows:

- The teacher makes a reasonable effort to contact the parent, either in writing or by phone, to advise the parent of the situation. The student is referred to the administrator for appropriate disciplinary action.
- The administrator meets with the students and/or teacher and decides the most appropriate response.
- The teacher and parents are informed of the administrator's action.

Examples	Responses
<ul style="list-style-type: none"> <li>◆ Continuation of unmodified Level 1 misbehavior</li> <li>◆ Disruptive behavior</li> <li>◆ Failure to comply with reasonable directions of district staff</li> <li>◆ Truancy</li> <li>◆ Smoking and possession of smoking materials including tobacco, lighters, matches etc.</li> <li>◆ Using forged notes, excuses, passes or agendas</li> <li>◆ Gambling</li> <li>◆ Failure to serve detention</li> <li>◆ Obscene language or gestures</li> </ul>	<ul style="list-style-type: none"> <li>◆ Referral to office</li> <li>◆ Parent-teacher/parent-administrator conference</li> <li>◆ Behavior contract</li> <li>◆ Social Suspension(Exclude from extra-curricular activities- dances, sports, field trips, etc.)</li> <li>◆ Strict supervised study</li> <li>◆ In-school suspension</li> <li>◆ Suspension up to 5 days</li> <li>◆ Referral to outside agency</li> <li>◆ Counseling/Referral for psychological evaluation</li> <li>◆ Withdrawal of computer usage privileges and/or Intranet privileges and/or Internet privileges</li> <li>◆ Teacher removal from class</li> </ul>

In the case of a potential long term suspension and/or disciplinary change in educational placement of a student classified as having a disability or a student presumed to have a disability for discipline purposes as defined pursuant to law and regulation, a referral to the District Committee on Special Education will be made to determine if the behavior giving rise to the suspension is directly related to the disability. Suspension and/or disciplinary change in educational placement of students with disabilities and students presumed to have a disability for discipline purposes shall be in accordance with federal and state law and due process requirements.

A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record. When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction that is of an equivalent nature to that provided in the student's regularly scheduled classes. Although the alternative instruction need not match in every respect the instructional program previously offered to the student, it must be adequate enough so that the student may complete his/her course work.





The student may bring a parent/legal guardian with him/her to the hearing, and both the student and the person invoking the hearing procedure may be represented by counsel. An interpreter should be available, if needed.



At the hearing, persons having direct knowledge of the facts should be called to testify. Hearsay evidence may be admitted but alone is not sufficient, notwithstanding the administrative nature of the proceeding. There must be some direct evidence of guilt of the charges. The burden of proving guilt rests upon the person making the charge, and the student is entitled to a presumption of innocence of wrongdoing unless the contrary is proved. The student may testify in his/her own behalf and is free to cross-examine witnesses against him/her.

Both the Superintendent of Schools and the Board of Education are authorized to appoint a hearing officer to conduct student disciplinary hearings. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline. The report of the hearing officer is advisory only, and the Superintendent of Schools or Board may accept or reject all or any part of such report.

Where the basis for a 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.

### Level 3

Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of others in the schools. These acts shall be handled by corrective disciplinary actions. Acts which violate the law will be referred to the appropriate law enforcement office.

In addition, acts at this level will be handled as follows:

- The administrator will conduct a thorough investigation of the incident.
- The administrator notifies parent/guardian of the infraction and action.

Examples	Responses
◆ Continuation of unmodified Level I & II misbehavior	◆ Parent Conference
◆ Leaving school without authority	◆ Formal or informal hearing
◆ Assault with physical injury	◆ Temporary Removal from class
◆ Burglary, larceny or other theft offenses	◆ Suspension from school and/or activities
◆ Intimidation, harassment, menacing, or bullying (IHMB)	◆ Placement in an alternative educational program
◆ Sexual harassment	◆ Counseling/referral for psychological evaluation
◆ Minor vandalism	◆ Restitution of property or repair of damage by the student
◆ Throwing objects including snowballs	◆ Teacher removal from class
◆ Reckless driving	
◆ Threats to others	
◆ Setting off firecrackers, poppers, caps	
◆ Violation of alcohol and drug policy	
◆ Violation of imitation gun policy	
◆ Computer offenses	
◆ Academic fraud	

## Level 4

Acts which result in violence to another person's property, or which pose a serious threat to the safety of others in the school, or which cause serious disruption to the educational process.

These acts are so serious that they always require administrative actions. They will result in removal of the student from school and sometimes the intervention of law enforcement and action by the superintendent. Level 4 actions will be handled as follows:

- The administrator will conduct a thorough investigation of the incident.
- The administrator notifies parent/guardian of the infraction and action.
- School will contact law enforcement where and when appropriate.

Examples	Responses
<ul style="list-style-type: none"> <li>◆ Continuation of unmodified Level I, II &amp; III misbehavior</li> <li>◆ Major vandalism</li> <li>◆ Arson</li> <li>◆ Kidnapping</li> <li>◆ Sexual Offenses</li> <li>◆ Assault with serious physical injury</li> <li>◆ Robbery</li> <li>◆ Reckless endangerment</li> <li>◆ Deliberately striking a staff member</li> <li>◆ Possession, use, or transfer of weapons</li> <li>◆ Extortion</li> </ul>	<ul style="list-style-type: none"> <li>◆ Suspension from school and/or activities</li> <li>◆ Superintendent hearing</li> <li>◆ Long term suspension following a formal hearing</li> <li>◆ Other superintendent action which results in alternative educational placement</li> <li>◆ Restitution of property or repair of damages by the student</li> <li>◆ Withdrawal of computer usage privileges</li> <li>◆ Referral to appropriate law enforcement agencies</li> </ul>

4. 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, ongoing threat, or disruption to the educational process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.
5. When a student has been suspended and is of compulsory attendance age, steps shall be taken to provide alternative instruction. The alternative instruction need not match in every respect the instructional program previously offered. It must be adequate enough so that the student may complete his/her course work. The alternative instructional program will be available at the discretion of the superintendent and principals for students assigned to short term suspension.
6. Regardless of the length of a student's suspension, if a parent/guardian wishes to appeal the suspension of such student by the building principal and/or superintendent, such appeal must be made to the Board of Education, if necessary, prior to commencing an appeal to the Commissioner of Education.

### Suspension: More than Five School Days

•••••

A student may not be suspended for a period in excess of five (5) school days unless he/she and the parent/legal guardian to him/her shall have had an opportunity for a Superintendent's Hearing at which the student shall have the right to be represented by an attorney, the right to present witnesses and other evidence on his/her own behalf and the right to question witnesses against him/her. The notice of hearing should advise the student of the grounds for the charges in specific enough terms to enable him/her to anticipate reasonably the subject content of the proposed hearing and to prepare a defense.

- Such notice shall provide a description of the charges for which suspension is proposed and shall inform the student and the parent/legal guardian of their right to request an immediate informal conference with the building 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 parent/guardian.



### Suspension: Five School Days or Less

- When a student is suspended from school for a period of five (5) school days or less, the suspending authority will provide the student with notice of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an explanation for the suspension. Administration shall also notify the parent/guardian, in writing, that the student is suspended.
- Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the decision to propose suspension at the last known address or addresses of the parent/guardian. Where possible, notification shall also be provided by telephone.

### Level IV Examples Continued

- ◆ Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher.
- ◆ Unauthorized access or use of the district computer system
- ◆ Continued intimidation, harassment, menacing or bullying
- ◆ Sending, receiving or displaying offensive or obscene language or pictures via electronic devices or computers.





# GUIDELINES FOR STUDENT SUSPENSIONS

The Board of Education of the Schenectady City School District authorizes the Superintendent and building principals with the primary responsibility for the suspension of students. The following procedures will be followed:

1. Keep accurate records of all violations and consequences resulting from student actions.

2. Utilize support personnel to find ways of helping the student.

3. Utilize school and community agencies when appropriate.

4. When a student is violent or disruptive, as defined in accordance with law and Commissioner's Regulations, the matter should be referred to the Superintendent of Schools.

5. When the building principal has exhausted all available alternatives and resources and feels that the student's continued presence in school would constitute a threat or danger to himself/herself or other students or that the student is "violent and/or disruptive" as defined in accordance with law and Commissioner's Regulations, the matter should also be referred to the Superintendent of Schools.

a. A "violent student" is defined in Education Law as an elementary or secondary student under 21 years of age who:

- 1. Commits an act of violence upon a teacher, administrator or other school employee;
- 2. Commits, while on school district property or at a school function, an act of violence upon another student or any other person lawfully upon said property or attempts to do so



- Not denote, represent or be deemed to be gang related, included but not limited to bandanas, colors, flags or beads.
- Shall not include wearing outerwear inside.
- Shall not include wearing sleepwear such as pajamas, slippers etc. unless authorized by the building administrator.
- Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to disciplinary action.

## Computer and Acceptable Use



Schenectady City School District provides students with access to district computers and to the Internet. Students' use of computers and access to the Internet while at school are privileges and are intended to be for educational purposes only. All parents and students are required to review and sign Schenectady City School District's Computer and Internet Acceptable Use Agreement. By signing the agreement, parents and students agree to comply with the regulations set forth therein. Failure to comply with the regulations may result in disciplinary action. Please refer to a copy of the Computer and Internet Acceptable Use Agreement, which can be obtained at any school main office, for details contained therein.

## Sexual Harrassment

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide all district students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to the district's philosophy and policies.

Therefore, the Board prohibits all forms of sexual harassment by employees and students. Board of Education Policies 6121 and 7515 indicate the procedures for resolving sexual harassment complaints by students.

### Racial Harassment

The Board of Education recognizes its responsibility to provide all district students an environment free of racial harassment and intimidation. Racial harassment is a violation of Title VI of the Civil Rights Act of 1964 and stands in direct opposition to the district's philosophy and policy. Therefore, the Board prohibits all forms of racial harassment by employees and students.

### Removal of a Disruptive Student from the Classroom

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom, to give the student an opportunity to regain his or her composure and self-control in an alternative setting.

Such practices may include, but are not limited to:

- Short-term "time-out" in a classroom, time out room or in a school administrator's office;
- Sending a student to the building principal's office for the remainder of the class time only;
- Sending a student to a school counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code of conduct.

sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that could cause physical injury or death when used.

- The violation of any federal or state statute, or regulation, local ordinance, or board policy.
- The refusal or failure to comply with a lawful order or direction of an official of the school district in the performance of his/her duties.
- The distribution of any written material, pamphlets or posters to other students during instructional time without the prior approval of the school administration.
- The posting of any written material, pamphlets or posters in the school without the prior approval of the school administration or teacher in charge of an activity.
- The **USE** and/or **DISPLAY** of electronic devices, such as walkmans, gameboys, cellular phones, and camera phones, MP3 player, IPOD, etc. are prohibited during the school day. This includes lunch and passing periods as well as school sponsored trips and extended day activities. Students are not permitted to display the cell phone or other electronic devices, however, they may carry them in a backpack, purse, or inside a pocket of slacks, jeans, jacket, etc. Electronic devices **must be turned off** during the school day. **The school district is not responsible for the loss, theft, damage or vandalism of any electronic devices.**



- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.

The following conduct or acts are prohibited on school property or while participating in school sponsored activities, by students, teachers, staff members, licensees, invitees or others:

- Engaging in any form of academic misconduct. Examples of academic misconduct include but are not limited to plagiarism, cheating, copying others' work, altering, damaging, taking or destroying records, school materials and textbooks, assisting another student in any of the above actions.
- The willful injury of any person or the threat to use force which would result in such injury.
- The intimidation, harassment, including sexual or racial, menacing or bullying of any person.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- The entry into a school building or upon any portion of the school premises unless such entry is made in connection with official business with the district or to attend an authorized activity or function therein.
- The possession, consumption, or exchange of alcoholic beverages, unauthorized drugs, or narcotics on school property.
- Inappropriately possessing, using or sharing prescription and over-the-counter drugs.
- Displaying a weapon or what appears to be a weapon.
- Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. "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,



On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.



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

Teacher must provide the administrator with a **teacher removal form** indicating actions/events that necessitated the removal by the end of the school day. Teacher must make a reasonable effort to contact the student's parent/guardian of the student's removal from class and it is recommended that the teacher document efforts to do so.

If the student poses a danger or poses an ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom, complete a **teacher removal form**, and give the student a chance to present his or her version of the relevant events within 24 hours. If a student at any time shouts, uses profanity, or refuses to leave the room, the teacher shall indicate these actions on the teacher removal form and may call for assistance in removing the student from class. Length of student removal from class shall be progressive from remainder of period to a maximum of three days.

Within 24 hours after the student's removal, the building principal or designee must notify the student's parents, in writing or by telephone, that the student has been removed from the class and why.

The notice must also inform the parent that he or she and the student have the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal.

Upon the request of the parent/guardian, the informal meeting must be held within 48 hours of the student's removal. The teacher may be required to attend the meeting. If at the meeting the student denies the charges, the building principal or designee must explain why the student was removed and give the student and the student's parent/guardian a chance to present the student's version of the relevant events.



The building principal or the assistant principal may overturn the removal of the student from class if the building principal finds any of the following:

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. A student's program as outlined in the IEP must be followed. ■

- All student meetings in the school buildings or on school grounds may function only as part of the formal education process or as authorized by the building administrator.
- No student group may meet without the direct supervision of a school district employee or its recognized community partners.
- Student organizations have the responsibility to make clear to the public that their programs do not necessarily reflect the view of the institution as a whole. Use of the school or district name when participating in a public demonstration is improper unless the building administrator or his/her designee has granted permission.

Student organizations also have the responsibility to recognize that persons who disagree with their view and programs have the right to choose for themselves whether to listen to the groups' points-of-view and must not be coerced or harassed into doing so.

## PROHIBITED STUDENT CONDUCT

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

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

- The principal or designee will be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. Parents will be notified before any student is questioned by police.
- Students at school-sponsored off-campus events shall be governed by all the rules and regulations of the school and are subject to the authority of the school district officials.

### Student Inquiry and Expression

- Students are entitled to express their personal opinions verbally or in writing or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves or be disruptive to the school environment. Libel, slander, the use of obscenity and comments that disparage an individual's race, color, gender, religion, ethnic origin, economic status, sexual orientation or disability are prohibited.



### Extracurricular Activities and Clubs

- Student organizations cannot restrict membership on the basis of race, color, gender, religion, ethnic origin, economic status, sexual orientation or disability.
- Students may not be denied participation in any activity for any reason other than those established by state, county or school eligibility requirements.
- The school district requires student organizations to register with the school in order to obtain available school funds and the use of school facilities.

## USE OF PHYSICAL RESTRAINT

Teachers, administrators, other district employees, or agents of a school district shall only use reasonable physical force when alternative procedures and methods cannot reasonably be employed. Physical restraint will only be used:

- To protect oneself from physical injury;
- To protect another student or teacher or any person from physical injury;
- To protect the property of the school or others; or
- To restrain or remove a student whose behavior is interfering with the safe and orderly operations of the school district.

## STUDENTS' RIGHTS AND RESPONSIBILITIES

- Each student under the age of 21 has the right to an education regardless of race, color, gender, religion, ethnic origin, economic status, sexual orientation or disability and also the responsibility not to interfere with or threaten the education of others.
- Schenectady City School District students are expected to abide by the policies and regulations of the school district.
- Schenectady City School District students have the right to access rules, receive an explanation of those rules and seek changes in district policies and regulations in an orderly fashion through discussions with the administrative staff. All policy decisions and amendments are made by the Board of Education.
- Schenectady City School District students have the right to present their version of relevant events to school personnel before imposition of penalty and will be afforded due process before removal from an instructional program.

- Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over 18 years of age have the right to inspect and review the student's educational records and have the right to request the amendment of the student's education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student's education record, except to the extent that FERPA authorizes disclosure without consent. More information regarding FERPA rights and procedures is described in Board of Education Policy 7240 and in student/parent handbooks.
- As a general rule, information received by teachers and other school officials is not privileged (except for provisions of the Family Educational Rights and Privacy Act of 1974), and may be revealed by the recipient of such knowledge whenever he or she feels that it is appropriate to do so. However, some communications made in connection with drug or alcohol abuse prevention programs may be kept confidential. A student who is concerned about the confidentiality of communications he/she makes to staff members should ask the staff member in advance whether the information could be kept confidential.
- Student lockers and desks are purchased and maintained by the school district and remain the property of the school district. However, the school district is not responsible for books, clothing or valuables left in lockers or in desks. A student shall not place, keep or maintain in a school-owned locker or desk any article or material of a non-school nature that may cause or tend to cause the disruption of the lawful mission of the school.



The following rules shall apply to the search of any student, student property or school property and the seizure of any illegal items found therein.

- School district officials have the right and responsibility to search student lockers and/or desks at any time.
- In addition, the Board authorizes the superintendent, building principals and their designees to conduct searches of students, their belongings and their automobiles if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the code of conduct.
- Items that are prohibited on school property or are used to disrupt or interfere with the educational process may be removed from student lockers, desks and/or automobile or other personal property by school authorities.
- School district officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:
  - A search or arrest warrant; or
  - Probable cause to believe a crime has been committed on school property or at a school function; or
  - Been invited by school district officials. Events shall be governed by all the rules and regulations of the school and are subject to the authority of the school district officials.