

Frewsburg Central School District

CODE OF CONDUCT



2022-2023

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I. INTRODUCTION

The Frewsburg Central School District is committed to providing a safe and orderly school environment where students will receive and district personnel will deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The Frewsburg School District is committed to maintaining high standards of education for all students in the District. Because the district believes that order and discipline are essential to being educated effectively, the district is committed to creating and maintaining high behavioral standards and expectations. An orderly educational environment requires that everyone in the school community play a role in contributing to an effective environment. It also requires the development and implementation of a code of conduct that clearly defines individual responsibilities, describes acceptable behavior, and provides for appropriate disciplinary options and responses.

All persons are expected to observe the **Code of Conduct** governing behavior in all district schools. This code is also enforced at or during school-sponsored functions, field trips, sporting events, aboard transportation (school buses, rented buses), dances and athletic contests both at Frewsburg Schools, opponent's schools, and other venues.

The district believes that order and discipline must be a shared responsibility among school, home and community.

The Dignity for All Students Act (DASA)

The New York State Dignity for All Students Act took effect on July 1, 2012. The goal of the Dignity Act is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against, verbally harassed, or physically assaulted. All public elementary and secondary school students have the right to attend school in a safe, welcoming, considerate, and caring environment.

The Dignity for All Students Act states: "No student shall be subjected to harassment by employees or students on school property or at a school function, nor shall any student be subjected 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 by school employees or students on school property or at a school function.

Our efforts to enforce the Dignity for All Students Act: The Frewsburg Central School District will enforce the Dignity Act by using the existing rules in our Code of Conduct and our discipline matrix documents. We take this law very seriously and will regularly review these documents and revise them as needed. District personnel will annually present to all stakeholders the importance of The Dignity Act for All Students.

Harassment Reporting Guidelines

- If you are reporting student to student harassment, contact your counselor.
- If you are reporting adult to student harassment, contact your principal.
- If you are reporting adult to adult harassment, contact the Title IX harassment officer: Tiffany Frederes, Assistant Superintendent for Curriculum and Instruction
- If you wish to report confidentially, visit the district website: www.frewsburgcsd.org

The District's DASA coordinators are: Joshua Gilveski, MS/HS Principal, 7-12 Secondary Tami McKotch, Elementary Principal, PreK-6

II. STUDENTS' RIGHTS AND RESPONSIBILITIES Middle & High School (Grades 7-12)

A. Students' Rights

The Frewsburg School District students have all the rights afforded them by federal and state constitutions, statutes and regulations. The school reminds students that certain responsibilities accompany these rights.

Each student will:

1. Take part in all district activities on an equal basis regardless of race, sex, sexual orientation, religion, national origin, or disability;
2. Have school rules and conditions available for review and, when necessary, explained by school personnel;
3. Have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;
4. Be guided by a discipline policy that is fairly and consistently implemented. *SEE ATTACHED ASSERTIVE DISCIPLINE POLICY*

B. Students' Responsibilities

Each student will:

1. Accept responsibility for his/her actions;
2. Contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and to property;
3. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct;
4. Attend school every day unless legally excused and be in class, on time, and prepared to learn;
5. Work to the best of ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
6. Work to develop mechanisms to control his/her anger;
7. Ask questions when they do not understand;
8. Seek help from school personnel regarding rights, responsibilities and discipline;
9. Dress appropriately for school and school functions;
10. 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;
11. Respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
12. Recognize that administrators, counselors, and teachers assume the role of a surrogate parent in matters of behavior and discipline when at school, as well as during any school sponsored activities;
13. Contribute toward establishing and maintaining atmospheres that generate mutual respect and dignity for all. Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member, building principal, or the confidential form found on the district website.

STUDENT RIGHTS AND RESPONSIBILITIES Elementary School (Grades PK-6)

A. Student Rights

1. **I have a right to be happy and to be treated with kindness.** This means that no one will deliberately hurt my feelings or laugh at me.
2. **I have a right to be myself.** This means that no student or adult will treat me unfairly because I am fat or thin, tall or short, boy or girl, or because of the color of my skin, or if I have special needs.
3. **I have the right to be safe.** This means that no one will hit me, kick me, push me, pinch me, or hurt me in any way.
4. **I have the right to hear and be heard.** This means that no one will scream, shout, make noises, or talk when I am talking.
5. **I have a right to learn.** This means that no one will disrupt class by actions such as talking out or noisemaking.
6. **I have a right to a pleasant environment in this school.** This means that no one will destroy school property, leave papers, gum, food or other garbage on tables, chairs or the floor – nor will anyone disturb my belongings.
7. **I have a right to work in this school.** This means that no one will damage, destroy or take my books or any other learning materials.
8. **I have a right to a drug and alcohol free school.** This means that neither I nor my classmates will bring, use or distribute any drugs or alcohol in this school.

B. Student Responsibilities

1. I have a responsibility to respect and protect the rights of others.
2. I have a responsibility to respect all adults and respond to any directions or requests in a respectful manner.
3. I have a responsibility to always be prepared to learn and to work as hard as I can in order to be the best student I can be.
4. I have a responsibility to be in school and on time.
5. I have a responsibility to dress appropriately for school and school functions.
6. I have a responsibility to make the school a safe and orderly place so that all students can learn.
7. I have the responsibility to ask questions when I do not understand.
8. I have the responsibility to ask for help in solving problems that might lead to discipline.
9. I have the responsibility to report to any adult if I am being bullied or if I see someone else being bullied.

III. ESSENTIAL PARTNERS

A. Parents

A cooperative relationship between home and school is essential to each student's successful development and achievements. To achieve this student-centered relationship, parents:

1. Recognize that the education of their child(ren) is a joint responsibility of the parent and the school community;
2. Show an enthusiastic and supportive attitude toward school and education, including parent/teacher conferences;
3. Teach their children self-respect, respect for the law, respect for others and for public property;
4. Ensure their children attend school regularly and on time;
5. Insist their children be dressed and groomed in a manner consistent with the student dress code;
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
7. Know school rules and help their children understand them;
8. Inform school officials of changes in the home situation; address, phone #, and/or any name change;
9. Provide a place for study and ensure homework assignments are completed;
10. Inform administration or the authorities of a potentially dangerous plan or activity of which he/she is aware;
11. The parents should be aware that they are responsible for any financial obligations incurred by their child in school. This includes lost books, damage to property, etc.

B. School Personnel

School personnel play an important role in the education of students. In view of this responsibility, as appropriate, school personnel will:

1. Promote a climate of mutual respect and dignity, which will strengthen each student's positive self image, promote positive peer pressure, and positive social interactions;
2. Show genuine sincerity and sensitivity in dealing with the needs and concerns of the students and their families;
3. Teach common courtesies by precept and example;
4. Treat students in an ethical and responsible manner;
5. Know school policies and rules, and enforce them in a fair and consistent manner;
6. Communicate to students and/or parents:
 - a. course objectives and requirements
 - b. marking/grading procedures
 - c. assignment deadlines
 - d. expectations for students
 - e. classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement;
8. Plan and conduct a program of instruction that will make learning challenging and stimulating;
9. Utilize classroom routines which contribute to the total instructional program and to the student's development of civic responsibility;
10. Distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
11. Handle individual infractions privately and avoid punishing the group for the misbehavior of one or two;
12. Identify changing student behavior patterns and notify appropriate personnel and/or parents, when necessary;
13. Send communications home;
14. Report to the Principal or Assistant Principal any student who jeopardizes his/her own safety, the safety of others or of the teacher, or who seriously interferes with the instructional program of the classroom;
15. Take corrective action to prevent bullying behavior of which they have been made aware at school district sites or activities, including the reporting of bullying behavior to administration;

16. Serve as a surrogate parent in matters of behavior and discipline in accordance with New York State School Law;
17. Enforce the **Code of Conduct** in all areas of the school;
18. Comply with state educational law regarding corporal punishment and mandated reporting of suspected child abuse;
19. Immediately report and refer violent students to the Principal, Assistant Principal or Superintendent of Schools;
20. Inform administration or the authorities of a potentially dangerous plan or activity of which he/she is aware;
21. Model desirable standards of behavior in compliance with the **Code of Conduct**.

C. Building Administrators

1. Seek to develop a sound and healthful atmosphere of mutual respect;
2. Evaluate the program of instruction in their school to achieve a meaningful educational program;
3. Develop procedures that reduce the likelihood of student misconduct;
4. Provide the opportunity for students and staff to approach the Principal or Assistant Principal directly to address grievances;
5. Work with students and staff to formulate school regulations;
6. Work closely with parents/guardians to establish a cooperative relationship between home and school;
7. Utilize all appropriate support staff and community agencies to help parents/guardians and students identify problems and seek solutions;
8. Establish necessary building security;
9. Assume responsibility for the dissemination and enforcement of the **Code of Conduct** and ensure that all discipline cases referred are resolved in a timely manner;
10. Ensure that students are provided with fair, reasonable, and consistent discipline;
11. Comply with pertinent state laws governing hearings, suspensions, and student rights;
12. Model desirable standards of behavior in compliance with the **Code of Conduct**.

D. District Administrators

As the educational leaders of the school system, the Superintendent of Schools and central administrators will:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
2. Reinforce and extend the indicated responsibilities of the Principals and make them applicable to the school system for grades PreK-12;
3. Recommend to the Board of Education appropriate policy, regulations and actions to achieve optimum conditions for positive learning;
4. Develop and implement an effective **Code of Conduct** supportable by students, parents, staff and community;
5. Work with district administrators in enforcing the **Code of Conduct** and ensuring that all cases are resolved promptly and fairly.

E. Board of Education

As the elected officials in charge of our schools, the Board of Education:

1. Adopts the policies governing the District, including this **Code of Conduct**;
2. Ensures that the **Code of Conduct** is implemented and enforced in a consistent, reasonable, fair and equitable manner;
3. Annually approves the **Code of Conduct** and update as necessary;
4. Collaborates with students, teachers, administrators, parent representation, school safety personnel and other school personnel to develop a **Code of Conduct** that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions;
5. Leads by example by conducting Board meetings in a professional, respectful, and courteous manner.

IV. DEFINITIONS

For the purposes of this **Code of Conduct**, the following definitions apply (according to the current law):

- **“Assault”** any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the peered the person to the police for the act reported.(School Safety and Educational Climate Reporting)
- **“Bullying”** means any unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Additionally, according to the USDE bullying generally involves the following characteristics:
 - An Imbalance of Power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
 - Reputation: Bullying typically repeated, occurring more than once or having the potential to occur more than once
 - Intent to Harm: the person bullying has the goal to cause harm. Bullying is not accidental.

Examples of bullying include but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
 - Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
 - Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone’s things, and making mean or rude hand gestures..
- **“Cyber bullying”** means harassment/ bullying, as defined above, through any form of electronic communication (Ed Law §11(8)(a)-(d)). Cyberbullying may include, among other things the use, both on and off school property, of electronic technology, including but not limited to, e-mail, instant messages, blogs, chat rooms, pagers, cell phones, gaming systems, and social media websites, to deliberately harass and threaten others.
 - **“Disability”** (a) a physical, mental or medical impairment resulting from anatomical, physuikigucak, 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 © a condition regarded b y 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 of held. (Ed Law §11(4) and Exec Law §292(21)).
 - **“Discrimination”** any form of discrimination against students prohibited by state or federal law such as, for example but not limited to, the denial of equal treatment, admission and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, thnich group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex.
 - **“Disruptive student”** is 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.
 - **“Employee”** any person receiving compensation from a school district or a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title IX of article 5 of the Social Services law, and consistent with provision of suche title for provisions of services to such district, its students or employees, directly or through contract (Ed Law §11(4) and 1125(3))
 - **“Gender”** shall mean actual or perceived sex and shall include a person’s gender identity or expression. (Ed Law §11(6)) •
 - **“Harassment”** shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse,

including cyberbullying as defined in Ed Law §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 or physical well-being; or
- Reasonable causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- Reasonable causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- Occurs off 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 terms "threats, intimidation or abuse" shall include verbal and nonverbal actions (Ed Law § 11(7)) 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..
- "**Hazing**" means a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of personal injury to such other person or a third person and thereby causes such injury (Penal Law §120.16) It is also considered having, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third party (Penal Law § 12.17)
- "**Removal**" is the act of a teacher in discontinuing the presence of the student in his/her classroom.
- "**School Bus**" means every motor vehicle owned by public or governmental agency or private school and operated for the transportation of pupils, children, children of pupils, teachers and other person acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation from the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Ed Law §11(1) and Traffic Law §142)
- "**School Function**" shall mean a school-sponsored extracurricular event or activity.
- "**School property**" shall mean 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 section one hundred forty-two of the vehicle and traffic law.
- "**Sexting**" is described as the sending, receiving, or forwarding of sexually suggestive nude or nearly nude photos through text messages or email (SSEC definition).
- "**Sexual Offense**" any act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the peered the person to the police for the act reported.(School Safety and Educational Climate Reporting)
- "**Sexual orientation**" shall mean actual or perceived heterosexuality, homosexuality or bisexuality. (Ed Law § 11(5))
- "**Suspension**" is the temporary removal of a student from regular classroom instruction (either in school or out of school) for disciplinary reasons. It is the act of a Building Principal (or with consent of the Principal), Superintendent of Schools, or Board of Education.
- "**Violent student**" is a student under the age of 21 that:
 - Commits an act of violence upon a school employee, or another student, 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.
 - Possesses, while on school property or at a school function, to use 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.

V. WEAPONS/FIREARMS

A “weapon,” as defined by the NYS Penal Code includes, but is not limited to, any antique firearm, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, dangerous knife, billy club, blackjack, razor, stiletto (knife), switchblade knife, gravity knife, brass knuckles, sling shot, pilum ballistic knife, chukka sticks (numchuks), metal knuckle knife, box cutter, sand club, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb with propellant charge less than 4 oz., or other device, instrument, material or substance that can result in physical injury or death.

A “firearm” as defined by federal law (18 USC §921) is:

- A. Any weapon (including starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- B. The frame or receiver of any such weapon;
- C. Any firearm muffler or firearm silencer; or
- D. Any destructive device. The term “destructive device” means: any explosive, incendiary, or poison gas- bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine or device similar to any of the devices described in the preceding clauses.

Students possessing a firearm as defined above may be suspended for up to one year.

VI. STUDENT DRESS

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

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Ensure that undergarments are completely covered with outer clothing.
3. Wear footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not wear sneakers with wheels on the bottom.
5. Not wear of hats except for a medical or religious purpose while school is in session.
6. Not wear items that are vulgar, obscene, libelous or denigrate others in regards to race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not wear items that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
8. Not wear chains of any length or size (other than necklaces) cannot be worn during the school day or at extracurricular activities.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. The building principal reserves the right to determine what constitutes appropriate dress.

Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline.

Individual school administration reserves the right to make a list of prohibited clothing items that can be updated as necessary. The list will be posted in the school and on the school website, and sent home when modifications are made. This list will be subject to review by district level administration.

VII. PROHIBITED STUDENT CONDUCT

The Frewsburg Central School District 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, members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. The District recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The code of conduct listed below is intended to focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct as outlined in the appropriate discipline matrix.

VIII. DISCIPLINARY PENALTIES AND PROCEDURES FOR STUDENTS

A. Penalties

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

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age;
2. The nature of the offense and the circumstances which led to the offense;
3. The student's prior disciplinary record;
4. The effectiveness of other forms of discipline;
5. Information from parents, teachers, and/or others, as appropriate;
6. Other extenuating circumstances;
7. The dangerousness of the act;
8. The student's developmental level and age;
9. Motive and intent, i.e., culpability;
10. The consideration of any mitigating circumstances;
11. Restitution to any aggrieved person, persons or groups, institutions, organizations, etc.;
12. The consideration of victim's rights.

B. Procedures

The following shall constitute appropriate disciplinary measures authorized by this student **Code of Conduct**:

1. Warnings (oral or written);
2. Removal from the classroom by the teacher;
3. Removal from the lunchroom or other school sponsored event;
4. Written or oral notification to parent;
5. Probation/expulsion—in case of athletics or extracurricular activities;
6. After school teacher detentions;
7. After school administrative detentions;
8. Suspension from transportation;
9. Suspension from athletic participation;
10. Suspension from social or extra-curricular activities;
11. Suspension of other privileges;
12. In-school suspension;
13. Short term (five days or less) suspension from school;
14. Suspension for minimum of one calendar year for bringing a firearm to school or school sponsored activity as defined by federal law;
15. Long term (more than five days) suspension from school;
16. Permanent suspension from school.

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

C. Reasons for Disciplinary Action

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

1. Engage in conduct that is **disorderly**. Examples of disorderly conduct include, but are not limited to:
 - a. Running in hallways;
 - b. Making unreasonable noise;
 - c. Using language or gestures that are profane, lewd, vulgar or abusive;
 - d. Obstruction of vehicular or pedestrian traffic;
 - e. Engaging in any willful act which disrupts the normal operation of the school community;
 - f. Trespassing - students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
 - g. Computer/electronic communications misuse including unauthorized use of computer, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy (AUP).
2. Engage in conduct that is **insubordinate**. Examples of insubordinate conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
 - b. Missing or leaving school without permission;
 - c. Skipping teacher detention, detention, and class
3. Engage in conduct that is **disruptive**. Examples of disruptive conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 - b. Failing to comply with the dress code as defined above.
 - c. Engage in unauthorized use of personal electronic/ entertainment devices- including but not limited to cell-phones, -beepers, pagers, cameras or video recording devices, roller blades, "heelys" or similar wheeled footwear, skateboards, scooters, and lasers;
Engage in unauthorized use of cell phones or other electronic devices. At the elementary level, cell phones must be off and secured by an administrator during school hours.

Use of Smart Phones and Electronic Devices (Grades 7-12) Students will be allowed to carry Smart phones, electronic book readers, iPods, MP3s while in school. Use of these devices may be allowed in classrooms or the library at the discretion of the teacher. All devices must be turned off or silenced in classrooms, offices, and assemblies.

Inappropriate use is as follows:

- Disruptive phone calls are not allowed; if asked to end a call by staff, student must comply immediately. • Use of earbuds/headphones is prohibited. Students must be able to hear and comply with staff directives at all times.
- Taking photos or videos
- Accessing, sending, or receiving demeaning, vulgar, profane images and messages
- Accessing social networks such as Instagram, Facebook, Twitter or similar social networking sites and applications.
- Anything else determined by the administration deemed to be disruptive

Individual school administration reserves the right to make a list of prohibited uses of electronic devices that can be updated as necessary. The list will be posted in the school and on the school website, and sent home when modifications are made. This list will be subject to review by district level administration.

- d. Energy drink possession is prohibited. Energy drinks are beverages containing carbohydrates and caffeine/herbal ingredients acting as a stimulant. These include, but are not limited to, Red Bull, Rock Star, and Monster.
4. Engage in conduct that is **violent**. Examples of violent conduct include:
 - a. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so;
 - b. Possessing a firearm/ weapon; only authorized law enforcement officials are the only persons permitted to have a firearm/weapon in their possession while on school property or at a school function;
 - c. Displaying what appears to be a firearm/weapon;
 - d. Threatening to use any firearm/weapon;
 - e. 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;
 - f. Intentionally damaging or destroying school district property (i.e. pulling fire alarm).

Conduct that is violent that meets the Commission of Educations Regulation 100.2(gg) will be reported in accordance with the School Safety and Educational Climate (SSEC) Reporting System.

5. Engage in any conduct that endangers the **safety, moral, health or welfare of others**. Examples of such conduct include:
 - a. Lying to school personnel;
 - b. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;
 - c. Bullying, by definition, includes a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful.
 - d. Cyber bullying or Internet bullying, which includes using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person. Cyber bullying includes the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees.
 - e. Sexting, which is the slang term for the use of a cell phone or other similar electronic device to distribute pictures or video of sexually explicit images. It can also refer to text messages of a sexually-charged nature.
 - f. Defamation, which includes making false or unprivileged statements or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;
 - g. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner;
 - h. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning;
 - i. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;
 - j. Hazing, which includes an 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;
 - k. Selling, using or possessing obscene material;
 - l.
 - m. Smoking/possessing a cigarette, e-cigarette, vape, cigar, pipe or using chewing or smokeless/tobacco-less chew;
 - n. Possessing, consuming, under the influence of any amount, selling, distributing or exchanging alcohol or illegal substances including drug paraphernalia. Illegal substances include but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic cannabinoids, dap pen, and any substances commonly referred to as “designer drugs;”
 - o. Inappropriately possessing, using, selling, sharing prescription and over-the-counter drugs;
 - p. Gambling;
 - q. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;
 - r. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

Conduct that is violent that meets the Commission of Educations Regulation 100.2(gg) will be reported in accordance with the School Safety and Educational Climate (SSEC) Reporting System.

6. Engage in **misconduct while on a school bus**. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
7. Engage in any form of **academic misconduct**. Examples of academic misconduct include:
 - a. Plagiarism
 - b. Cheating
 - c. Copying
 - d. Using an unauthorized electronic device
 - e. Altering records
 - f. Assisting another student in any of the above actions
8. Engage in **loitering** on school property.
 - a. Traveling through a school by non-students of that school: Students are expected to walk directly and quietly to their destination, while showing respect for staff of that school. Refusal to do so can result in disciplinary consequences by the student’s school administration.

D. Reporting Discipline Code Violations

1. To School District Personnel: Students, teachers and other District personnel are encouraged to report any violation of the **Code of Conduct** to the Principal, Assistant Principal, or Dean of Students. Teachers and other District personnel are required to immediately report violent students to the Principal, Assistant Principal, Dean of Students, or Superintendent of Schools.
2. To Local Law Enforcement Agencies: The administrator in charge will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the **Code of Conduct** which constitute a felony to the appropriate local law enforcement agency. When necessary, the District will file a complaint in criminal court. The administrator in charge will report any violations of the **Code of Conduct** which constitute a crime to the appropriate law enforcement agency.
3. To Human Services Agencies: When necessary, the District will file a person in need of supervision (PINS) petition in Family Court.

E. Removal of a 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/her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in a classroom or in an administrator's office; (2) sending a student to the assistant principal's/principal's office, or In-School Suspension for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

Once the teacher determines that the student has been substantially disruptive or substantially interferes with the teacher's authority over the classroom:

- The teacher must inform the student, privately if possible, the reason(s) for the removal.
- If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.
- If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events.
- Upon request, the student and his/her parent/guardian must be given an opportunity for an informal conference with the Principal, Assistant Principal, or designee to discuss the reasons for removal. If the student denies the charge(s), the Principal, Assistant Principal, or designee must provide an explanation of the basis for the removal and allow the student and/or his/her parent/guardian an opportunity to present the student's version of the relevant events within 48 hours of the student's removal. If removal occurs on a Friday or the day before a vacation, the parent/guardian may voluntarily agree to meet the next school day.
- A student with a disability can be removed from a class as long as the principal or his/her designee safeguards the student's rights under IDEA.

The District shall provide continued educational programming and activities for students who are removed from their classrooms.

An appeal brought by the parent/guardian or student over the age of 18 of a Principal's removal decision must be presented to the Superintendent of Schools prior to any further appeal.

F. Student Suspension Process

The Board of Education, District Superintendent, Building Principal or in his/her absence, the acting Building Principal, may suspend a student from school where it is determined that the student:

- Is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others; or
- Exhibits behavior which endangers the health, safety or morals of himself/herself or of other students; or
- Is removed from a classroom for substantially disrupting the educational process interfering with the teacher's authority in the classroom four or more times in one semester.

G. Suspension from School

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals. Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the **Code of Conduct**. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

Short-term (5 days or less) suspension from school: OSS (Out of School Suspension)

- When the Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible notice should also be provided by telephone.
- The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
- After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

- When the Superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parent/guardian of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and their right to present witnesses and other evidence on his or her behalf.
- The Superintendent shall personally hear and determine the proceedings or may at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceedings before him or her.
- A record of the hearing shall be maintained but no stenographic transcript shall be required.
- A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
- An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances preclude them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

Permanent Suspension:

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

H. Student Complaints and Grievance Procedures

Individual complaints and grievances shall be handled in accordance with the following guidelines:

- To reach an informal solution to the problem, the student should try to discuss the incident with the appropriate teacher or staff member. Students may appeal to the highest authority in the school building, the Building Principal.
- For resolution of matters where appeal procedures are outlined in the law, such as student suspensions, the legal course of action will be followed.

In the Due Process, the appeal process on any discipline procedure is as follows: the Building Principal, the Superintendent of Schools, the Board of Education, and the Commissioner of Education of the State of New York.

I. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 (effective November 1, 2001) who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school;
- Knowingly and unlawfully possessing marijuana in violation of Penal Law 221.05. A single violation of 221.05 will be a sufficient basis for filing a PINS petition.

J. Juvenile Delinquents and Juvenile Offenders

The Superintendent is required to refer the following students to the appropriate law enforcement agency for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought a weapon to school, or;
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42);
- The Superintendent is required to refer student's age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

IX. ALTERNATIVE INSTRUCTION

When a student is removed from class, regardless of age, or a student of compulsory attendance age is suspended from school pursuant to Education Law 3214, the district will take appropriate steps to provide alternative means of instruction for the student.

X. DISCIPLINE OF STUDENTS WITH DISABILITIES

In the event that a student has a known disability or when school officials can be deemed to have known - in accordance with the law - that a student has a disability, the District will first proceed to conduct a 3214 disciplinary proceeding for any suspension of more than five days. The 3214 disciplinary proceeding will be held in two parts, first to determine the student's guilt or innocence on the charges and the second to determine the penalty.

If guilt is determined, before a penalty may be imposed, the following rules shall apply:

Section 504/Title II ADA Disability

Before discipline may be delivered for a student with a disability or suspected disability founded solely under 504 of the Rehabilitation Act of 1973 (hereinafter "504") Title II of the Americans with Disabilities Act (hereinafter the "ADA"), the 504 multi-disciplinary committee (hereinafter the "504 Committee") must make a determination of whether the conduct underlying the charge(s) was a manifestation of the disability (Nexus).

1. If a Nexus is found between the disability and the conduct underlying the charges, the 3214 proceeding must be discontinued and the matter placed under the jurisdiction of the 504 Committee for any further consideration. The 504 Committee must register a referral and bring about an evaluation of a student with a suspected disability or, if the student is already eligible under 504, it must consider possible program modification and disposition on a non-disciplinary basis.
2. If no Nexus is found yet a disability is indicated or has been identified, discipline may be imposed upon remand to the 3214 hearing officer. A student whose sole disabilities are found under 504 and for whom no Nexus is found shall be disciplined in the same manner as their non-disabled peers.

Any penalty imposed may not be based on past behavior for which a Nexus determination was not made. The Frewsburg Central School District must continue to provide a free appropriate public education to students who have been suspended from school as required by the regulations implementing 504 (34 CFR 104 etc. Seq.) until the end of the school year in which the student reaches the age of 21 or until Local or Regents Diploma requirements are met.

A. IDEA Disability

Before discipline may be carried out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter "IDEA") {a student with an education disability}, the Committee on Special Education (hereinafter the "CSE") must make a determination of whether the conduct underlying the charges was a manifestation of the disability.

- If a Nexus is found between the disability and the conduct the 3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
- If no Nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the 3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children with disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
- Where no Nexus is found and no suspected disability is determined to exist, the matter shall be remanded to the 3214 Hearing Officer for a determination of penalty.

Any penalty imposed may not be based on past behavior for which a Nexus determination was not made. The Frewsburg Central School District will continue to provide a free appropriate public education to students who have been suspended from school.

B. Suspensions beyond Ten (10) School Days

A student with a disability or suspected disability founded solely under 504/Title II of the ADA may not be suspended for more than 10 school days unless the 504 Committee has conducted a Nexus determination and finds that the behavior underlying the disciplinary charges was not a manifestation of the student's disability.

A student classified or deemed to be known as having an educational disability under IDEA may not be suspended for more than 10 school days unless:

- The CSE has made a determination that the student's misconduct was not related to the student's disability;
- The School District obtains a court order authorizing the suspension;
- The disciplinary charges involved the carrying of a weapon to school or a school function or the knowing possession, use or sale of illegal drugs at school or a school function;
- The parent or student 18 years of age or older gives their consent, in writing.

In determining a disciplinary outcome, a 3214 Hearing Officer and/or decision making authority may not consider incidents in the past anecdotal record of a student with a disability under 504/Title II ADA and/or IDEA, or suspected of being a disability unless there has been a negative manifestation determination regarding such incident(s) by the 504 Team or CSE, respectively.

C. Suspensions for Misconduct Involving Firearms/Weapons and or Drugs

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an interim alternative educational setting for up to forty- five (45) days (less if the discipline for a non-disabled student would be less), if the student carries a weapon to school or a school function or knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or a school function.

- In accordance with law, the terms "firearms and weapon" are defined in this code.
- In accordance with law, the term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed healthcare professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving firearms/weapons and/or drugs, the CSE must conduct a manifestation determination and a functional behavioral assessment, as well as implement a behavioral intervention plan that addresses the behavior underlying the disciplinary proceeding or review any such pre-existing plan for modification, if necessary.

- Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
- It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student's IEP and enable the student to participate in the general curriculum (although in another setting).

The exception allowed for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon 504 Title II ADA.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

D. Dangerous Student (Classified)

To continue the suspension of a student classified or deemed to be known as having an educational disability under IDEA for more than 10 school days, the School District may initiate a hearing before a special education impartial hearing officer who can order the placement of the student in an interim alternative setting for up to 45 days.

- The CSE must conduct a Nexus determination within 10 school days of the initial disciplinary action. Placement in an interim alternative educational setting as a result of dangerous behavior is not contingent upon a CSE determination that the misconduct is not related to the student's disability.
- It is up to the CSE to determine what would constitute an interim alternative educational setting.
- The hearing officer may grant such if maintaining the student in the current placement is substantially likely to result in injury to the student and/or others, and the School District has made reasonable efforts to minimize the risk of harm in the current

placement. The hearing officer must also consider the appropriateness of the student's current placement and whether the interim alternative educational setting meets all the requirements of the student's IEP, including continued participation in the general curriculum (although in another setting) with an appropriate behavioral component.

Such an interim alternative educational setting shall be deemed the student's "stay put" placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

E. Declassified Student

In accordance with law, the CSE must conduct a manifestation determination in the case of a student with an educational disability who has been declassified if the disciplinary matter involves behavioral problems.

XI. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury;
2. Protect the property of the school or others;
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

XII. STUDENT SEARCHES AND INTERROGATIONS

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

In addition, the Board authorizes the Superintendent and building principals to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search may result in evidence that the student violated the law or the district's **Code of Conduct**. Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

NOTE: The district's School Resource Officer (SRO) may be involved in all aspects of searches, interrogations and investigations.

A. Student Lockers, Desks and Other School Storage Places

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

B. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students, who are suspects, 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 an 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 officials. Before police officials are permitted to question or search any student, the building principal or his/her designee shall notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

- They must be informed of their legal (Miranda) rights;
- They may remain silent if they so desire;
- They may request the presence of a parent and/or attorney.

NOTE: The district's School Resource Officer (SRO) may be involved in all aspects of searches, interrogations and investigations.

C. Child Protective Services Investigations

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

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or his/her designee. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other district medical personnel will be present during that portion of the interview. No student will be required to remove his or her clothing in front of a Child Protective Services worker or school district official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIII. VISITORS TO THE SCHOOLS

The Frewsburg Central School District welcomes parents and other district citizens to visit the district's schools during appropriate events (open house, grandparents day) to observe the work of students, teachers and other staff. Since schools are a place of work and learning, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or an enrolled student of the school will be considered a visitor.
2. All visitors during the regular school day, must report to the main office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register but are required to follow public health safety rules. Visitors to dances that are closed (prom, winter weekend, etc.) are allowed by invitation from school authorities only.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal and the classroom teacher(s) so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this **Code of Conduct**.
8. No student or school personnel are authorized to allow entrance to any school building without reporting the person to the main office and obtaining a visitors pass.

XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The Frewsburg Central School District recognizes that the primary purpose of the school district is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the educational process or having such effect is prohibited. The District also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The District will also seek restitution from, and prosecution of, any person or persons who willfully damage school property. These rules govern the conduct of students, parents, faculty and other staff, visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of the District and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

A. Prohibited Conduct

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

- 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 she/he has a lawful right to do, or to do any act which she/he has a lawful right not to do;
- Intimidate, harass or discriminate against any person on the basis of race, creed, color, national origin, religion, gender, age, marital status, sexual orientation or disability;
- Physically restrain or detain any other person, or remove such person from any place where she/he is authorized to remain, with the exception of any authorized procedures as outlined in this **Code of Conduct**;
- Willfully damage or destroy property of the District or under its jurisdiction, or remove or use such property without authorization;
- Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, illegal drugs or be intoxicated by either on school property or at a school function;
- Enter upon and remain in any building or facility for any purpose other than its authorized use or in such a manner as to obstruct its authorized use by others;

- Without authorization, remain in any building or facility after it is normally closed;
- Refuse to leave any building or facility after being required to do so by an authorized administrative officer, member of the faculty or staff member, or member of the Board of Education;
- Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views including invited speakers without infringing on the rights of others;
- Knowingly have in his/her possession upon any premises to which these rules apply, any weapon/firearm as defined in the Gun-Free Schools Act and the New York State Penal Codes without written authorization of the chief administrative officer, whether or not licensed to possess the same has been issued to such person;
- Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so;
- Violate any federal or state statutes, local ordinances or Board policies while on school property or while at a school function.

B. Penalties and Procedures

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

- If a licensee or invitee, his/her authorization to remain upon the grounds or other property shall be withdrawn and he/she shall be directed to leave the premises. In the event of failure to do so, he/she shall be subject to ejection.
- If trespasser or visitor without specific license or invitation, he/she shall be subject to ejection and/or arrest.
- If he/she is a student, he/she shall be subject to disciplinary action as the facts of the case may warrant, as prescribed by 3214 of the Education Law and the **Code of Conduct**.
- If a faculty member, he/she shall be subject to disciplinary action as prescribed by and in accordance with procedures of the Education Law and the collectively negotiated agreement.
- If a staff member in the classified service of the civil service, described in 75 of the Civil Service Law, he/she shall be guilty of misconduct and subject to the penalties and procedures prescribed in said section and be subject to ejection.
- If a staff member other than one described above, he/she shall be subject to discipline in accordance with the law and any applicable collectively negotiated agreement.

C. Enforcement Program

- The Superintendent of Schools shall be responsible for the enforcement of these rules, and he/she shall designate the other personnel who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- In any case where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the Superintendent or his/her designee shall cause the ejection of the violator from any premises which she/he occupies in such violation and shall initiate disciplinary action according to this **Code of Conduct**.
- The Superintendent or his/her designee may apply to the public authorities for any aid that she/he deems necessary in causing the ejection of any violator of these rules and she/he may request the Board's counsel to apply to any court of appropriate jurisdiction for any injunction to restrain the violation or threatened violation of such rules.
- In the case of any apparent violation of these rules by such persons, which in the judgment of the Superintendent or his/her designee, does not pose any immediate threat of injury to person or property, such school official may make a reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for resolution of any issues which may be presented. In doing so, such school official shall warn such persons of the consequences or persistence in the prohibited conduct, including their ejection from any district properties where their continued presence and conduct is in violation of these rules

This code and the penalties set forth herein are not considered to be inclusive or to be precluded in any way the prosecution and conviction of any person for the violation of any federal or state law or local ordinance and the imposition of a fine or penalty provided therein.

If you have any questions or concerns regarding the contents of this document, please contact the main office at your student's school.



Frewsburg Jr/Sr High School



DISCIPLINE REPORT

This report is to notify the parent/guardian that the student is being held responsible for an infraction of the Frewsburg Assertive Discipline Procedures. We are here to support your efforts in promoting appropriate behavior. Please do not hesitate to call the school at 716-569-7055 if further clarification on the report is necessary.

Student's Name:	Grade: 7 8 9 10 11 12	Date:
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Reason for Referral:

Person initiating report:	
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TEACHER ACTION BEFORE THE REFERRAL: ✓

Student verbally corrected	
Student seating reassigned	
Conference with student	
Parent/Guardian contacted	
Parent/Guardian conference	

✓

Counselor/Psychologist	
Administration	
Student Support Team	
Teacher Detention	
Referral to ISS during class time	

Administrative Action: ✓

Date: ✓

Date:

Student verbally corrected			Parent/Guardian Conference		
Administrative Detention			In School Suspension		
Community Service			Out of School Suspension		
Referral to Student Support Team			Superintendent's Hearing		

Comments:

Administrator Signature:	Student Signature:
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For Office Use Only:

Student Athlete Yes No	Disciplinary Code #
NHS Yes No	VADIR #



STAY-AWAY CONTRACT
Frewsburg Central School
 26 Institute Street
 Frewsburg, NY 14738
 716-569-7055



Student Name Printed:	
Mr. Gilveski/ Mrs. Olson	
Ms. Dallas	
Mr. Sitrler	

NOTICE: This is a temporary STAY-AWAY CONTRACT. The issuance of this contract requires you to refrain from harassing, intimidating, threatening, or otherwise interfering with the student(s) listed below while in school or on school property. This contract will be in effect for two (2) months from the date of issue, at which time the contract will be reviewed.

Your willful failure to obey this contract will subject you to school discipline including, but not limited to, In-School-Suspension (ISS), Out-of-School Suspension (OSS), or Superintendent’s Hearings.

Repeated acts of harassment can also subject you to arrest under Section 240.26 of the New York Penal Law: A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person he or she:

1. Strikes, shoves, kicks or otherwise subjects such a person to physical contact, or attempts or threatens to do the same; or
2. Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other persons and which serve no legitimate purpose.

By this contract, you are to STAY-AWAY from:

Student advised by H.S. Administration of issuance of contract

Received by Student:

Date & Time Issued:

Signature of Student

Parent Name:

Date:

Parent Signature:

c: Counselor c: Teachers



Report Bullying Now!
 Frewsburg Central School
 26 Institute Street Frewsburg, NY 14738
 716-569-7000



What date did this happen? _____
 (mm/dd/yyyy)

Are you a: **Student, Parent/Guardian, close Adult member, or Staff Member?**

- Student
- Parent/Guardian
- Close Adult Member
- Staff Member

Select your school

- PK-6 Robert H. Jackson
- 7-12 Jr.Sr. High School

Where did the incident happen:

- All on School Property
- On the School Bus
- At a School Sponsored Event or Activity
- On the way to/from school
- Other

If "Other" is selected for "Where Did the Incident Happen", please specify.

What type of incident do you want to report?

- Bullying
- Destructiveness
- Inappropriate Behavior
- Other

If "Other" is selected for "Type of Incident", please describe. If this is a bullying/harassment incident, please enter the VICTIM'S name. Please enter the name(s) of the alleged offenders. Please describe what happened.
