

5300

ROCHESTER CITY SCHOOL DISTRICT CODE OF CONDUCT
EDITION APPROVED NOVEMBER 19, 2009
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5300.05 INTRODUCTION

The Board of Education is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services **without disruption or interference. Responsible behavior by students, teachers, administrators and other district personnel, parents and other visitors is essential to achieving this goal.**

The Board of Education expects all students, and the parents and guardians of all students to make an ongoing commitment to excellence, which includes the expectation that each student shall make his or her best effort to learn and to perform to the best of the student's ability; to do her or his best to achieve the academic benchmarks adopted for the District; and to meet or exceed the attendance and participation standards adopted by the Board of Education (Policy # 5100) as a means of helping each student to succeed in school, the workplace and beyond. Each parent and guardian is expected to ensure that the student attends school regularly, and to assist the student by taking an active interest in the student's work and other school activities; by supporting and communicating with teachers and with administrators; and by ensuring that the student has done all necessary homework and is otherwise prepared for school; and is properly nourished and rested each day to perform to the best of the student's abilities.

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

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

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

Each school building is authorized to enact additional personal conduct and dress code regulations, *supplemental* to this Code, and appropriate to the size and demographics of the population of the school and to the physical plant of each school, in collaboration with representatives of the building's teachers, administrators, other school professionals, parents and students, where such additional personal conduct or dress standards are designed and intended to promote the academic mission and legitimate educational concerns of the particular school; provided, however, that all such personal conduct or dress code regulations shall be reviewed annually at the building level; shall be consistent with the provisions of this Code; and shall be reviewed and approved for consistency and legality by the Superintendent or his designee prior to adoption. In no event shall building regulations impose a standard of dress, conduct or responsibility lower than that established in this Code of Conduct, or attempting

to regulate a subject matter on which the Board has indicated an intent to have district-wide and uniform application. Each school shall provide to the

Superintendent of Schools and to the Office of Counsel a copy of its supplemental regulations and any amendments to them.

The Rochester City School District Policy Manual, a copy of which is available in each school; the District and School Building Emergency Operations Plans; and the school manuals adopted for each school, which may include additional conduct requirements deemed appropriate to the specific facility, are all incorporated by reference into this Code of Conduct.

Crossref.:	Policy 1000	“Community Relations Goals”
	Policy 1200	“Community Involvement”
	Policy 1240	“Visitors to the Schools”
	Policy 1500	“Public Use of School Facilities”
	Policy 1520	“Public Conduct on School Property”
	Policy 1530	“Smoking on School Premises”
	Policy 2120.1	“Electioneering in Schools”
	Policy 4311.2	“Values Education”
	Policy 4526	“Internet Acceptable Use”
	Policy 5020.1	“Sexual Harassment of Students”
	Policy 5100	“Attendance/Participation”
	Policy 5305	“Eligibility for Extracurricular Activities”
	Policy 5310	“Student Discipline”
	Policy 5311	“Student Rights & Responsibilities”
	Policy 5312.1	“Drug and Alcohol Abuse”
	Policy 5312.1a	“Drug Free Schools”
	Policy 7050	“Community Use of Schools”
	Policy 8100	“Safety Program”
	Policy 8135	“Safe Schools”
	Policy 8414.4	“Video Cameras on School Buses”
	Policy 9320	“Drug Free Workplace”

5300.10 DEFINITIONS

For purposes of this code, the following definitions apply.

“**Administrators**” mean the building/program administrators (such as principals, vice-principals, assistant principals, house administrators, program administrators, and athletic directors), District-wide administrators, the Director of Transportation and security supervisors. When reference is made to a Principal, the term shall be deemed to include a Headmaster.

“**Alcohol/drugs/controlled substances**” means any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, “ecstasy,” amphetamines, heroin, steroids, look-alikes, and any of

those substances commonly referred to as “designer drugs.” For purposes of this definition there is also included prescription and over-the-counter drugs when used inappropriately or, in the case of prescription medications, when possessed or used by anyone other than the individual for whom they have been prescribed by a licensed physician. Neither prescription medications nor over the counter medications may be possessed by elementary school students. Parents of elementary school students requiring such medication must personally deliver such medication to the school nurse, for administration to the student in the manner prescribed.

“**Applicable law**” means any federal, state, or local law, regulation, rule or order applicable to the situation so described.

“**Assault**” means intentionally causing or attempting to cause physical injury to another person, with or without use of a weapon, and includes inadvertent physical injury to an individual other than the intended victim.

“**Building/program administrator**” includes building principals, headmasters, vice-principals, assistant principals, house administrators and program administrators.

“**Certified professional staff**” means all teachers, counselors, speech pathologists, nurses, and other certified or licensed individuals who are employed by the District, or under contract or assignment to the District.

“**Disruptive student**” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the education of other students, and with the teacher’s ability to present material and otherwise provide for the educational needs of other students.

Ref.: Educ. L. §3214(2-a)(b).

“**District personnel**” means all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term “District personnel” includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, “District personnel” and “**school personnel**” are synonymous.

“**District rules**” mean all District and Board policies, rules, regulations and procedures, including this Code and any such additional rules, regulations and procedures supplemental to but consistent with this Code, which may be enacted at the building level for application to specific schools or property.

“**Instruments used as a weapon**” are items not included in the definitions of “weapon” below, and which are objects not normally considered to be weapons (e.g., such student tools as scissors, pens, pencils etc., or furniture, padlocks, trays, books, etc.) when such objects are intentionally used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. **Punishment for use of an instrument used as a**

weapon may, in the discretion of the Superintendent or designee coincide with, but is not limited to, the mandatory suspension periods governing weapons.

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

"Physical Injury" means any impairment of physical condition, or intentional infliction of pain.

"School property" or "District property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in Vehicle and Traffic Law §142 or other District-provided transportation; or at a school or inter-school function. School property, for purposes of this code shall also include all property owned or leased by the District, and all property used by the District to conduct its programs, activities or school functions (including those held at non-District schools).

Ref.: Educ. L. §2801(1).

"School function" means any school-sponsored extra-curricular event or activity whether on school property or elsewhere, including any activity that may take place in another state; and includes transportation to and from school, or from athletic or other extracurricular events and programs."

Ref.: Educ. L. §2801(1) as revised L. 2005, Ch. 402.

"School personnel" is synonymous with **"District personnel"** defined above.

"Student" means any individual enrolled in a District program, which may include adults enrolled in adult education or other special programs (**"adult students"**), and individuals under the age of 21 who have not yet graduated from school as contemplated under applicable law.

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

1. Commits an act of violence upon a District employee, or attempts or threatens to do so. The threat of bodily harm ("I'm going to hurt/kill you" for example) shall be deemed to be an act of violence, if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to occur.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts or threatens to do so. The threat of bodily harm ("I'm going to hurt/kill you" for example) shall be deemed to be an act of violence, if such menacing word or gesture causes the listener to believe that a harmful or offensive bodily contact is about to occur.
3. Possesses, while on school property or at a school function, a weapon.

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

Ref.: Educ. L. §3214(2-a)(a).

“Violent or disruptive incident” shall mean one of the following categories of incidents that occurs on school property, or at a school function, or which involves school property or functions by virtue of use of any medium of communication including telephone, radio or computer-based communication:

- (a) Weapons possession, defined below;
- (b) Homicide, meaning any conduct which results in the death of another person;
- (c) Personal injury and intimidation, which shall be defined as provided by the Regulations of the State Commissioner of Education, and shall be deemed to include as assault; criminal harassment; intimidation or “bullying”, including threatening, stalking or seeking to coerce or compel a person to do something; menacing; kidnapping; sexual offenses, including rape, sodomy, sexual abuse or other inappropriate contact of a sexual nature; the use, possession or sale of drugs or alcohol, prohibited by this Code or by law, including having such substances on a person, or in a locker, book bags, packs, purses or carry-alls, or functionally equivalent items, desk, vehicle or personal space on school property; theft; or behavior risking injury, including bomb threats, false alarms, arson, riot, burglary or criminal mischief .

Ref.: 8 NYCRR § 100.2(gg)

“Weapon,” for purposes of this Code means:

- (a) A weapon or firearm as defined for purposes of the **Gun-Free Schools Act** in 18 USC §921, as implemented by New York Education Law § 3214(3)(d). Generally speaking, a weapon for purposes of this subsection is generally defined as one that fires a projectile by the action of an explosive. Possession, on school property, of a firearm meeting the statutory definition shall be subject to the mandatory penalties prescribed by federal and/or State law; and may be subject to such other penalties and requirements as are provided in this Code and related regulations; or
- (b) Any bomb or similar explosive device, irrespective of the type of detonator; any explosive device, including but not limited to a

firecracker or other fireworks; poppers; any firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, BB or pellet gun, airgun spring gun; cap gun; starter gun; or imitation gun; loaded or blank cartridges or other ammunition; any switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, pocket knife or other dangerous knife; a billy club, blackjack, bludgeon of any type, or other device in which material (e.g. coins, locks, etc.) placed inside any container can be used to deliver a blow with force; chukka sticks; metal knuckles; a sandbag, or sandclub; a slingshot or slungshot; a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck or shirken; a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or pepper spray; any laser pointer or device; or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death. "Weapon" shall also include any other instrumentality or device defined as a "weapon" under any provision of the New York State Penal Law, or under the United States Code. Punishment for possession of a weapon defined above but not contained within the Gun Free School Act definition and its State law counterpart may, in the discretion of the Superintendent or designee coincide with, but is not limited to, the mandatory suspension period of those statutes.

Ref.: Gun Free Schools Act, 18 USC §§ 3351; 8921; 8922; 921;
NY Education Law § 3214(3)(d); 8 NYCRR § 100.2(gg).

"Weapons possession" means possession of one or more weapons or dangerous instruments, as defined above, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other District personnel as authorized by school officials.

Ref: 8 NYCRR § 100.2(gg)

NOTE: Whenever this Code refers to an act required of specific school personnel (e.g., the Superintendent, or a building/program administrator must perform any particular act or make any particular decision), the person so identified may discharge that act through an appropriate designee, unless prohibited by State law.

5300.15 STUDENT RESPONSIBILITIES AND RIGHTS

All District students have specific rights and responsibilities which are enumerated in Policy # 5311, "Students Rights & Responsibilities," A copy of which is available for review at every school building in the District. Among those rights and responsibilities, or implicit within them, are certain responsibilities and rights which are particularly germane to this Code of Conduct.

A. Student Responsibilities

All district students have the responsibility to:

1. Work to the best of their own ability in all academic and extracurricular pursuits and strive toward their highest personal level of achievement.
2. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
3. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
4. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
5. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions and whenever on any school district property or at a school function wherever located; obey the District Dress Code and any additional dress standards adopted for particular schools (see, "Student Dress Code, §5300.25).
10. Accept responsibility for their actions.
11. Report to school officials any information, which may help to prevent danger or injury to others in the school community.
12. Conduct themselves as representatives of the district when participating in or attending school functions and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship;
13. Conduct themselves with civility towards other students, faculty, staff, administrators, parents and guardians or visitors.

B. Student Rights

The District is committed to safeguarding the rights given to all students under state and federal law, and to making its best effort to provide to each student the rights set forth in detail in Policy # 5311. In addition, to promote a safe, healthy, orderly and civil school environment, all District students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, sex, gender identity and expression, sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. To have the District make reasonable efforts to provide a safe, orderly and generally courteous school environment.

Reference: 8 NYCRR 100.2(l)(2)(ii)(o).
Policy # 5311 “Student Rights & Responsibilities”
Subsection (B)(1) revised Res. 2003-04:511 (12/18/2003)

5300.20 EXPECTATIONS FOR ESSENTIAL PARTNERS

A. Parents & Guardians

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn. The expectation is that each student should be well nourished, well rested and given the safest and most supportive living environment that the parent or guardian can provide.
3. Provide a place for study and a regular time for study; and ensure homework assignments are completed and understood by the student.
4. Ensure their children attend school regularly and on time; and that necessary absences are excused. Parents must accept the responsibility to assuring that children who do not have a valid legal excuse for absence do report to school, on time and ready to participate and learn; and, when applicable, are picked up on time [Note: By law, schools must report truant and failing students].
5. Insist their children be dressed and groomed in a clean and neat manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district and its administrators and teachers.
9. Make all possible efforts to participate in meetings with school administrators and teachers whenever their child is returning to school from a suspension or other disciplinary action. If it is impossible to attend in person (for example, if a parent cannot be excused from work), a parent or guardian is expected to participate in the “return to school meeting” by telephone conference call or any other method in which all of the necessary parties can communicate together. This expectation is in addition to the expectation that parents and guardians will make every effort to attend parent-teacher conferences relating to student performance.
10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Conduct themselves with civility in all dealings with faculty, administrators, staff, other parents and guardians, and especially in dealing with children, whether their own or others'. **No District**

employee is required to continue any meeting or discussion with a parent who is verbally or physically abusive toward them, or who attempts to intimidate or to threaten the safety or well-being of the employee (see Section 5300.70 for penalties).

14. Make sure that the District and the child's school has the parent/guardian's current address, and other information to insure the District's ability to make contact for emergencies and for educational purposes (e.g., phone numbers, email addresses and names and numbers of relatives to contact in emergencies). Emergency sheets should be current and contain the names of all adults (over 18) allowed to pick up your students.

B. Teachers, Teachers' Assistants & Paraprofessionals

All district teachers, assistants and paraprofessionals are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Conduct themselves as positive role models for students.
2. Be prepared to teach, or to assist the teacher.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know District policies and rules, and enforce them in a fair and consistent manner. To that end, the District will sponsor a variety of staff in-service activities, as outlined in Section 5300.75 of this Code.
5. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.

C. School Counselors & Related Support Staff

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Conduct themselves as positive role models for students.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Know school policies and rules, and enforce them in a fair and consistent manner. To that end, the District will sponsor a variety of staff in-service activities, as outlined in Section 5300.75 of this Code.

7. Encourage students to benefit from the curriculum and extracurricular programs.

D. Principals, Headmasters, Vice Principals, Assistant Principals & Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students, parents and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly. To that end, the District will sponsor a variety of staff in-service activities, as outlined in Section 5300.75 of this Code.
6. Conduct themselves as positive role models for students.

E. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of education and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly. (See Superintendent's Regulation).

F. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
4. Support and encourage the creation of instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

5300.25 STUDENT DRESS CODE

All students, from pre-kindergarten through 12th grade and adult education students, are expected to give proper attention to personal cleanliness and to dress appropriately (and age-appropriately) for school and school functions. The dress code applies at any time that students are on District property, including the school buildings and Central Office, and whenever they are attending any school function, wherever located. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting, which is the workplace where the student is engaged in the vocation of education.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that stocking caps, "doo rags," bandanas and hats (other than hats or scarves mandated by verifiable religious requirements or verifiable medical reasons); unbuttoned dress shirts or sport shirts; and extremely brief garments such as men's "muscle shirts," women's tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate and not permitted. For school purposes, exposure of male or female navels or gluteal areas; bare chests; or cleavage are not appropriate and not permitted.
3. Ensure that underwear is completely covered with outer clothing, and that pants or slacks are cinched with a belt of appropriate size for the student's waist.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom, study halls, assembly rooms, cafeterias, or internal hallways except for a medical or religious purpose.
6. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, disability, or sexual orientation.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each Building Principal 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.

In addition to these District-wide standards, specific schools or programs, in collaboration with teachers, administrators, other school professionals, parents and students, may adopt further dress standards intended to promote the academic mission and legitimate educational concerns of the particular school, which standards shall be published and communicated to the students, and to the parents and guardians of students of that school, and which shall be incorporated by reference in this Code of Conduct.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

5300.30 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 of visitors, and for the care of school property.

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

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear.

The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these District rules will be required to accept the penalties for their conduct. (See Superintendent's Regulation).

Students will be bound by the Code of Conduct whenever they are on any School District property, or engaged in any school function, regardless of the time or reason(s) for their presence. Any direct or personal act or behavior which is prohibited under the Code is also prohibited when performed by use of computers, the Internet, cell phones, telephones or other communications media when the communication originates or ends on District property or at any school function, or may in the judgment of District officials disrupt or interfere with the educational process; or pose a threat to the safety of any person lawfully on District property or at a school function (for example, use of a cell phone to announce the time or location of a fight, or of a gambling game or of some drug use involving students, violate the Code in the same manner as the fight, gambling or drug use themselves constitute violations).

With regard to weapons, in particular, it is the intention of the Board through this Code to impress upon students that the mere possession of weapons is inherently dangerous to everyone in the school environment and, therefore must not be brought onto school property, or if discovered must be

turned into the school office immediately. Aside from the danger to innocent bystanders, when an individual displays an item which is a weapon, or could be mistaken for one, there is an increased risk that others may perceive a danger and respond in a way which exposes the student herself or himself to harm, including deadly harm.

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Engaging in ***any willful act which disrupts*** the normal operation of the school community; or in any act which ***endangers or threatens*** to endanger the health, safety, welfare or morals of others (specific allegations are required).
2. Trespassing. No student under suspension is permitted in any school building other than one to which he or she has been assigned for alternative instruction. Students who are not under suspension are not permitted in any school property, other than the school they regularly attend (a) without permission from the administrator in charge of the building, or (b) at such times and for such purposes as members of the general public are permitted on the property; or on any school bus other than the one to which he or she is assigned for transportation to and from school or for a special event or extracurricular activity without express permission of the appropriate District personnel. Several school buildings contain community centers. Students not under suspension are welcome to participate in the programs offered by such centers, provided that they obey the hours and conduct requirements of the center; and further provided that the student is not required at the time to be in attendance in his or her assigned program of regular or alternative instruction. A student's presence at a community center located on school property at any time when that student is required to be in school, or during hours when the center is closed, or in violation of the rules of conduct of the center shall be deemed a trespass.
3. Using ***language or gestures that are profane, lewd, vulgar or abusive, or which a reasonable person would find intentionally discriminatory*** toward any person or group entitled to protection in his or her right to obtain an education under the New York State Executive Law .
4. Obstructing vehicular or pedestrian traffic.
5. Running in hallways or stairwells.
6. Making unreasonable noise.
7. **Misuse** of Computer/electronic communication, including any unauthorized use of telephones, two-way radios, cell phones, computers, peer-to-peer networks, software, or internet/intranet account; accessing inappropriate websites (which includes, but is not limited to pornographic sites, violent or hate sites, sites encouraging the making of bombs, incendiary devices or devices to counteract locks or security systems, "gaming" and gambling sites,

or other sites not reasonably and directly related to the educational function of the District); “cyberbullying” (using computers, websites, chat rooms, etc. as a method of harassment or threat to others); attempts to “hack” or compromise any computer system; downloading music, videos or other copyrighted material for personal use without license, authorization or legal privilege; or any other violation federal or State law, or of the District’s acceptable use policy and regulations.

8. Possessing or using toys or games, including electronic games in schools, in violation of any regulations of the elementary, middle or high school which the student attends.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:

1. Failing to comply with District rules, or with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise showing disrespect.
2. Lateness for, missing or leaving school without permission.
3. Refusal to show identification and to give one’s correct name to School District employees upon request.
4. Refusal to submit to metal detection scans during random screenings or upon reasonable suspicion.
5. Refusal to vacate any school room, building or grounds upon the request of a staff member.
6. Failure to report to a school administrator when required to do so (e.g., for disciplinary reasons).
7. Skipping classes or skipping detention.
8. Lying to school personnel.

C. Engage in conduct that is disruptive. Examples of disruptive conduct include:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students in a manner which is substantially disruptive of the educational process or substantially interferes with the education of other students, or with the teacher’s ability to present material and otherwise provide for the educational needs of other students.
2. Possession or use of laser pointers, pagers, beepers, walkie-talkies, or portable/cellular phones equipped with video or photographic capacity on school property.
3. Refusal to cease play-fighting or “wolfing” upon the direction of any member of the District staff.

D. Engage in conduct that is violent. Examples of violent conduct include:

1. Willful assault on any student, staff member or person lawfully on District property. For purposes of suspension, willful assault is defined as the intentional, unprovoked striking of another person. Intent may be demonstrated by verbal statements and/or physical

- acts, heard or witnessed by students, staff, or other persons lawfully upon District property.
2. Reckless assault, stalking, or criminal harassment (as defined by the Commissioner of Education's regulations) on any student, staff member or person lawfully on District property. For purposes of suspension, reckless assault, stalking, or criminal harassment occurs when a student strikes, pushes or otherwise makes contact with another person without regard to the person's safety and well-being and causes physical injury. Physical injury is defined as any impairment of physical condition, or infliction of pain.
 3. Group or gang assault upon any student, staff member or person lawfully on District property. For purposes of student discipline, group or gang assault includes riot, and is defined as the reckless or intentional, unprovoked striking of another person when aided by two or more other people actually present, causing physical injury or creating a grave risk of physical injury or public alarm.
 4. Committing or participating in any other violent or disruptive incident or act as defined by this Code of Conduct. Such incidents include menacing (intentionally placing or attempting to place another person in fear of imminent physical injury) and reckless endangerment (subjecting individuals to danger by recklessly engaging in conduct that creates a substantial risk of physical injury) or kidnapping (restraining a person with intent to prevent her or his liberation by either secreting the person in a place where he or she is unlikely to be found, or threatening to use deadly physical force).
 5. Possessing a weapon. Authorized law enforcement officials or others expressly authorized by statute or by the Board of Education are the only persons permitted to have a weapon in their possession while on school property or at a school function. Turning a weapon over to the School office promptly upon discovery shall not be deemed to be a violation.
 6. Displaying what appears to be a weapon.
 7. Threatening to use any weapon or brandishing or displaying what appears to be a weapon.
 8. Extortion (any attempt to obtain property or favor from another by threat or by force).
 9. Threatening bodily harm to staff or students constitutes a violation of this Code of Conduct. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.
 10. Intentionally or recklessly damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on District property, including graffiti or arson.
 11. Intentionally or recklessly damaging or destroying District property.
 12. Placing a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or making a telephoned, written or electronic message that a bomb,

- explosive, biological or chemical weapon or incendiary device has been or will be placed on or near District property.
13. Possessing or igniting any fire, lighter, or other flammable instrument, except in the controlled environment of a classroom or laboratory as part of an instructional program or of a school-related activity under the direct supervision of a teacher or other District personnel as authorized by school officials.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Arson or attempted arson. The setting or attempt to set an unauthorized fire on District property or property under the control of the District.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function; or knowingly violating the copyright, patent or other intellectual property rights of others.
3. Defamation, which includes making false statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, disability or sexual orientation as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or 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.
7. Intimidation, or “bullying,” which includes engaging in actions or statements that put an individual in fear of bodily harm; threatening, stalking or seeking to coerce or compel a person to do something; or use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, religious abstention or denial, gender, sexual orientation, age or disability that substantially disrupts the educational process. Such intimidation may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.
8. 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. Hazing shall also be deemed to include any intentional or reckless act directed against another on District property or at any school function, for the purpose of initiation into, affiliating with or maintaining membership in any street gang or group identified by the Police Department as engaged in unlawful or criminal behavior.
9. Selling, using, downloading or possessing obscene material.
10. Using vulgar or abusive language, cursing or swearing.

11. Possessing, selling, distributing, exchanging or smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
12. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, "ecstasy", "look-alike drugs", and any substances commonly referred to as "designer drugs." Representing to any person, for purposes of sale or distribution that any substance, irrespective of actual composition is an alcoholic beverage or an illegal substance shall be deemed to be actionable within the meaning of this section as an attempted possession, sale or distribution of a prohibited product.
13. Inappropriately using or sharing prescription and over-the-counter drugs; however, nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property to the person for whom the prescription was written.
14. Gambling.
15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. False alarms, which include initiating a report warning of fire, bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher, or setting off a smoke detector or sprinkler.
17. Lying to school personnel.

F. **Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting, or using vulgar or abusive language, cursing or swearing will not be tolerated. All conduct prohibited by this Code when done on District property is also prohibited when on busses traveling to or from school or school activities or functions.

G. **Engage in any form of academic misconduct.** Examples of academic misconduct include:

1. Plagiarism, including use of materials gathered from the Internet or by computer without proper attribution.
2. Cheating.
3. Copying.
4. Altering records.
5. Skipping classes without a lawful excuse from appropriate school officials.
6. Assisting another student in any of the above actions.

H. Engage in Conduct which violates a building-level Conduct or Safety Code.

Every District building has a safety code designed to handle issues of building safety and emergency preparedness, and buildings may have conduct codes supplemental to the District Code of Conduct. All students, District personnel and visitors are expected to comply with building rules, and with any additional rules established to meet alerts issued by the U.S. Department of Homeland Security; and to do their parts to create safe environments.

5300.35 REPORTING VIOLATIONS

A. GENERAL GUIDELINES

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee, building/program administrator or the Superintendent of Schools. The identity of any person providing information through the student Crimestoppers program, or utilizing the District hot line will be protected to the fullest extent allowed by law.

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

B. WEAPONS, ALCOHOL & ILLEGAL SUBSTANCES

The only individuals authorized to possess firearms on District property are law enforcement officers on site in the performance of their official duties, and such other individuals who are permitted to possess firearms on a school campus by express statutory authority or the express consent of the Board of Education.

Any weapon, alcohol or illegal substance found on District property or in the possession of any person on District property shall be confiscated immediately, if possible. Where the material was possessed by a student, confiscation shall be followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution. Possession by an employee subjects that person to discipline in accordance with District practices and, where applicable, the collective bargaining agreement covering such employee.

C. NOTIFICATION TO POLICE & SUPERINTENDENT

The Principal, or his/her designee, must notify the Office of the Superintendent of Schools and the Rochester Police Department of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification to the Superintendent must identify the student or other person accused and explain the conduct that violated the code of conduct and constituted a crime.

If the Principal or his/her designee knows or reasonably should know that any person, while on school property or at a school function, caused intentional injury to any employee of the District; or if any person who is not a student of the school district, while on school grounds, causes injury to a student of the school who is attending or present for educational purposes, whether or not such injury is intentional, then the Principal or his/her designee shall notify the Rochester Police Department to seek investigation of a possible felony violation of Penal Law §120.05(10). and will at the same time contact the Office of the Superintendent to insure that the District is fully apprised of the circumstances.

5300.40 STUDENT DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS

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

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. **Serious offenses, particularly those involving violence, weapons possession, or which endanger public safety may warrant immediate and more severe discipline, as may actions which, viewed against prior incidents, indicate a pattern of misconduct or a resistance to remediation.**

The Superintendent of Schools is authorized to promulgate regulations designed to implement this Code; to specify permissible methods, places and times for providing notices, informal meetings, or hearings required by this policy; to implement changes in law as such changes become effective without the necessity of seeking formal amendment of the policy out of the normal annual review sequence; to establish the guidelines for selecting short or long term suspension for specific offenses and circumstances; and to provide for voluntary alternatives to the formal short or long term suspension processes and/or to the disciplinary outcomes of those processes. (See Superintendent's Regulation).

The District expectation of good conduct, civility and best efforts are the same for all students, including those students with disabilities or special needs. This Code of Conduct affords students with disabilities no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. The District recognizes, however, that where it may be necessary to suspend, remove or otherwise discipline students with disabilities, in order to address disruptive or problem behaviors, there exist certain procedural protections afforded by law for such students. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability (see Section 5300.50 of the Code, below).

A. Penalties

Students who are found to have violated the District's Code of Conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process. When, in the judgment of the building administrator conduct which did not involve a weapon under the Gun Free Schools Act, and which did not result in serious physical injury (whether or not a weapon was used) may be best addressed by voluntary alternative approaches including mediation, an effort at resolution by such means may be attempted; however, statutory deadlines for initiating suspensions authorized in this section must be obeyed (and then a cooperating parent can sign a tolling agreement). If the administrator has reasonable grounds to believe that an alternative approach or mediation has been successful for both the student/perpetrator and any victim, then the administrator may elect not to continue penalties or procedures authorized herein.

1. Oral warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Superintendent.
4. Detention – teachers and other certificated staff, Principal, Superintendent.
5. Suspension from transportation – Director of Transportation, Principal, Superintendent.

6. Suspension from athletic participation – coaches, Principal, Superintendent.
7. Suspension from social or extracurricular activities – activity director, Principal, Superintendent. Teachers may suspend students from social or extracurricular events or activities which the particular teacher organizes and supervises.
8. Suspension of other privileges – Principal, Superintendent.
9. Suspension or revocation of student's access to District computers and Internet connections—Principal, Superintendent
10. In-school suspension – Principal, Superintendent
11. Removal from classroom by teacher – teachers
12. Short-term (five days or less) suspension from school – Principal, Superintendent, Board.
13. Long-term (more than five days) suspension from school – Principal (may recommend, after consultation with Office of Counsel), Superintendent or Board (may impose long-term suspension).
15. Removal from a regular school program—Superintendent, Board
16. Permanent suspension from school – Superintendent, Board.
17. Other remedies authorized by law—official designated by applicable statute or regulation.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

Teachers and Principals may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After school detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

Ref.: State Education Department Memorandum on Detention to District Superintendents dated April 28, 1995.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the attention of the Department of Transportation, which will decide appropriate action and notify the parents and

Principal. Students who become a serious disciplinary problem may have their riding privileges suspended by the Director of Transportation or the Principal or the Superintendent or their designees.

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

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Director of Transportation, or the Principal or their designees to discuss the conduct and the penalty involved.

Conduct which may warrant short or long-term suspension from school, as distinct from suspension from transportation alone, shall be handled in accordance with the applicable provisions of this Code for short-term and long-term suspensions.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved. See also Policy # 5305 "Eligibility for Extracurricular Activities."

4. Disciplinary Removal of Disruptive Student by Teacher

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 use effective pedagogical and group management techniques to focus the attention of class members, and maintain or restore good order within the classroom. 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, supervised setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) engaging the parent or other family contacts by telephone, letter or conference; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. This list is illustrative only, and also includes other strategies developed through the teacher's education and experience. 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 ability to present an educational program to the remaining students in the classroom. A “*substantial disruption*” of the educational process or “*substantial interference*” with an educational program occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly and substantially interferes with the education of other students, or with the teacher's ability to present material and otherwise provide for the educational needs of other students.

A classroom teacher may remove a disruptive student from class for up to two classes (where the daily schedule is so arranged), or 1.5 hours, where the student ordinarily remains in the same classroom. The Principal shall make reasonable efforts to insure that an educational alternative exists for the placement of students removed from classrooms due to disruptive behavior. The work assignment for a student so assigned shall be the responsibility of the removing teacher. The removal from class applies to the class of the removing teacher only.

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

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours (or such further time as may be permitted by legislative amendment).

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form; and must make a reasonable effort to personally contact the parent. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal (or such further time as may be permitted by legislative amendment), the Principal or another administrator designated by the Principal must notify the student's parent, by letter or memo also signed by the teacher, that the student has been removed from class and giving the teacher's reason why, and shall be accompanied by a copy of the teacher's disciplinary referral form. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the teacher and Principal or the Principal's designee to **discuss the reasons** for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parent. Where possible, notice should also be provided by the teacher by

telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal shall require the teacher who ordered the removal to attend the informal conference, as a part of the teacher's professional day and responsibilities.

If at the informal meeting the student denies the charges, the teacher, as the individual with personal knowledge, must explain why the student was removed. The student and the student's parents shall be given a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal (or such further time as may be permitted by legislative amendment). The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

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

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the District's Code of Conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
4. If the removing teacher has not provided appropriate alternative educational materials for the student for the removal period.

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

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

Each teacher must keep a complete log (on a District-provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class. All logs may be reviewed and copied by the teacher, the principal, and officials from the District's Central Office.

While the District expectations for good conduct are the same for all students, all District personnel must remain aware of the procedural protections afforded by law to students with disabilities. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has exercised due diligence to verify with the Principal or his/her designee, or the CASE, or the chairperson of the Committee on Special Education or with the cadre or CSE where available, that the removal

will not violate the student's rights under state or federal law or regulation. See Section 5300.50, below, for additional information.

5. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need to establish an environment conducive to learning. As such, the Board authorizes Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension," whenever that option can be made available in a building. The in-school suspension teacher will be a certified teacher or other person authorized to serve in such capacity under New York State law.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

6. Suspension from School

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the Code of Conduct [see Code § 5300.35, above]. 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 Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short term (five days or less) Suspension from School

When the 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 or guardian of the basis for the proposed suspension.

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. Appeals from short term suspensions are made to the New York State Commissioner of Education see *Appeal of Amara S.*, 39 Ed.Dept.Rept. 90 (1999).

b. Long term (more than five days) Suspension from School

1. Procedural Due Process.

When the Principal, after consultation with the Office of Counsel recommends, or the Superintendent determines that a suspension for more than five days may be warranted, reasonable notice shall be given to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

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

An appeal of the decision of the Superintendent may be made to the Board of Education, which 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 30 calendar days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

2. Interim Relief.

Pending determination of the appeal, the student or his/her parent or representative may request a temporary decision from the Superintendent

concerning the student's suspension. Such a request for interim relief must be filed in writing with the Law Department and Superintendent.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function; or when a student's persistent misconduct, viewed in the context of prior incidents, evinces a resistance to remediation.

d. Eligibility for Extracurricular Activities

Separate from any element of student discipline, all students of this District are required to meet the academic, attendance and performance standards established by the Board of Education in Policy # 5305, and any regulations adopted pursuant to that policy, as a precondition of the privilege of participating in interscholastic sports, and in co-curricular and extracurricular activities.

Ref. Policy #5305 "Eligibility for Extracurricular Activities"

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

- (a) Any student, other than a student with a disability, found guilty of bringing a weapon as defined by the federal Gun Free Schools Act or 1994 (20 USC § 8921) or by Education Law § 3214(3)(d), onto school property shall be subject to suspension from school for at least one calendar year; and may be subject to permanent suspension or removal from a regular school program consistent with New York State law. A weapon pursuant to this subsection is generally defined as one that (a) fires a projectile (b) by the action of an explosive. Any nonpublic school student participating in a program operated by the District using ESEA funds shall be suspended for a period of not less than one calendar year from participation in such program, as provided by Education Law § 3214 (3)(d).
- (b) Any student, other than a student with a disability, found guilty of bringing a weapon as defined by this Code of Conduct but which is not within the federal Gun Free Schools Act definition, may be subject to suspension from school for at least one calendar year; or may be subject to any other level of discipline permitted by this Code, including permanent suspension or removal from a regular school program, consistent with New York State law. Elementary school Principals shall have the option of imposing an in-school suspension, in place of an out-of-school suspension, when a student possesses a weapon other than a firearm without intent to use it or to threaten others.

- (c) Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify any one-year suspension, or other penalty, on a case-by-case basis, unless such discretion is expressly prohibited by federal or state statute in effect at the time of such suspension. In deciding whether to modify the penalty, the Superintendent may consider the following:
1. The student's age.
 2. The student's grade in school.
 3. The student's prior disciplinary record.
 4. The Superintendent's belief that other forms of discipline may be more effective.
 5. Input from parents, teachers and/or others.
 6. Other extenuating circumstances.

The Superintendent shall refer any student, under the age of 16, who has been determined to have brought a firearm to school to Family Court. Students over the age of 16 will be referred to the appropriate law enforcement authorities.

- (d) The police will be called whenever a student possesses a weapon on school grounds which weapon is illegal to possess under the New York State Penal Law.
- (e) All schools in the District shall provide a conflict resolution and violence prevention program and curricula in grades Pre-K through 12.
- (f) With specific reference to weapons, the District's expectations for the conduct of students with disabilities are the same as its expectation for all other students. A student with a disability may be suspended only in accordance with the requirements of state and federal law. The rules and regulations pertaining to students with disability are discussed below in Section 5300.50.

2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon as defined by the federal Gun Free Schools Act or 1994 (20 USC § 8921) or by Education Law § 3214(3)(d) onto school property, shall be subject to suspension from school. If the proposed penalty is a suspension of five days or less, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify a suspension on a case-by-case basis. A student with a disability may be suspended only in

accordance with the requirements of state and federal law. The rules and regulations pertaining particularly to students with disability are discussed below in Section 5300.50.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the education of other students

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the education of other students, or with the teacher's ability to present material and otherwise provide for the educational needs of other students will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this Code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon. A student with a disability may be suspended only in accordance with the requirements of state and federal law. The rules and regulations pertaining to students with disability are discussed below in Section 5300.50 and in the Consent Decree attached to the Code of Conduct as Exhibit A.

4. Students who are suspended or removed are responsible for obtaining and completing make-up work or alternative educational assignments.

The Board of Education believes that high levels of attendance are necessary for students to succeed in school, the workplace and beyond, and places high priority upon student attendance. To that end, the Board has established attendance goals for District students, and for middle and high school students a participation policy pursuant to which students must maintain a minimum level of attendance in each class, each marking period, to be eligible to obtain a passing grade. The participation policy applies to all students enrolled in middle or high schools, including those with disabilities. The policy requires that procedures be created to provide make-up opportunities to be provided to students by the subject-matter teacher. It is, further, the policy of the District to provide educational alternatives for students under suspension. The District expects parents to make every effort to ensure that students meet and exceed attendance requirements; attend alternative instruction; and/or obtain and complete make-up assignments. It is, however, the ultimate responsibility of each student to ensure that he or she has obtained the make-up work available, and has completed that

work to the best of his or her ability; and attended alternative education alternatives provided during periods of suspension.

Ref.: Policy 5100 “Attendance/Participation Policy”
Education Law §§3202(10a);3205-3215;3225
8 NYCRR § 175.6

D. Referrals

1. Counseling

The appropriate Building staff shall handle all referrals of students to counseling.

2. PINS Petitions

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

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

* A discrepancy exists between the age limitations set forth by New York Family Court Act § 712 and Education Law § 3205. Pursuant to the Education Law, the compulsory attendance age continues to be until the end of the school year in which the individual turns 16 years of age.

3. Juvenile Delinquents and Juvenile Offenders

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

- a. any student under the age of 16 who is found to have brought a weapon to school; or
- b. any student 14 or 15 years old who qualifies for juvenile offender status under Criminal Procedure Law § 1.20 (42).

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

4. School/Drug Treatment Court Project.

The Drug Treatment Court of the Rochester City Court operates an education/prevention program designed to provide high risk students who have experienced school problems due to chemical use, an opportunity to see first-hand the consequences of addiction. Referrals are voluntary, and require the cooperation of the parent/guardian. The program includes a visitation to the Drug Treatment Court by students referred to the Court, and the parent or guardian of such student; followed by an assignment which must be returned and discussed with a school counselor. The City Court Judge provides students with a good vantage from which to observe criminal proceedings, and speaks to the referred students. The judge typically offers parents or guardians the option to have a urine screen performed for their child, just as an adult defendant would. The parent or guardian is free to accept or to decline that offer.

The Superintendent is hereby authorized to enroll District schools in the program; and to designate one or more administrators to serve as coordinators with the Rochester City Court, and to arrange all referrals, notifications and reviews which may be required by the Rochester City Court and its program administrator.

E. Adult Students

Adult students shall be subject to the disciplinary action described in this Code for any misconduct, but they shall not be entitled to rights specified in Education Law § 3214. The school personnel authorized to impose disciplinary action shall include the principals, vice principals and other administrators, and sanctions up to and including permanent suspension may be imposed for any conduct that would justify a suspension.

F. Orders of Protection

In the event that any school receives an Order of Protection issued by a court of competent jurisdiction requiring that any student or District personnel be afforded protection from another student, the District reserves the right to act, in its exclusive discretion, to fulfill the court's mandate, including reservation of the right to transfer that student to another building or program; the right to notify the building administrators of the Order of Protection; and the right to call upon law enforcement officials for assistance when building or District administrators deem such intervention to be needed. An Order of Protection in favor of a student or District personnel against any person other than another student will be enforced by referral to law enforcement officials.

5300.45 Alternative Instruction

The mission of the District is to educate all students to their highest level of performance. The District is committed to meeting or exceeding the performance goals it has established, as well as the performance guidelines established by the State of New York; and to taking all feasible steps to provide that a suspension will not be the reason for any student to fall behind in achieving

those goals. When a student (except an adult student) of any age is removed from class by a teacher; or a student of compulsory school age is suspended from school pursuant to Education Law § 3214, the District will take the necessary steps to provide alternative instruction as required by this Code and by applicable law. The method of alternative instruction shall be appropriate to the circumstance (e.g., long-term, short-term, in-school suspension, or removal from class). In all cases, it shall be incumbent upon the building staff to ensure that each student has course assignments available for him or her for the period of removal or suspension; and that upon return to regular classes those assignments are turned in, within the same time frames as provided for make-up opportunities in the case of excused absence. **Consistent with stated District values of “Giving Your Best Effort” and “Responsibility for One’s Self” it is the responsibility of each student to complete all such assignments and, where assigned to an alternative site or to a tutor, to attend, and to perform to the best of the student’s ability.**

Crossref.: Policy 4000 “Instructional Goals”
Policy 4311.2 “Values Education”

5300.50 DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board of Education is committed to a policy of inclusion of students with disabilities within the full range of programs offered to students of the District generally, to the fullest extent consistent with the specific needs of individuals. Consistent with the principle of inclusion, to the fullest extent provided by federal or State law, the policy of the District regarding student discipline for students shall be uniform for all students, both with reference to disciplinary proceedings and reporting crimes to appropriate authorities.

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 enjoy certain procedural protections by virtue of statute, regulation and/or court order when school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state requirements. In the event of any change or amendment to such federal and state law and regulations, or to any order of a court of competent jurisdiction impacting District students with disabilities, then as provided in Section 5300.75(C) of this policy, the Superintendent is authorized to issue regulations designed to maintain coordination of our program with such legal requirements; and, where such requirements may effect or override provisions of any consent decree, to apply to the appropriate court for such relief as the Superintendent deems appropriate.

It is the policy of the Board of Education to implement the provisions of the federal “Individuals with Disabilities Education Improvement Act of 2004”

P.L. 108-446 (effective July 1, 2005), which defines the current law for addressing student discipline for students with disabilities. Students with disabilities who are suspended for not more than ten school days shall be afforded the same rights as their non-disabled peers. When a removal exceeds ten school days, a parent and necessary district employees shall review the student's file to determine whether the conduct was caused by or had a direct and substantial relationship to the disability, or was a direct result of a failure to implement the IEP. If the behavior was a manifestation of the student's disability, the CSE shall conduct a functional behavioral assessment and create or modify and implement a behavior plan and the student shall return to their prior (or otherwise agreed-upon) placement. If the behavior was not a manifestation of the student's disability, then students with disabilities will be treated in the same manner as their non-disabled peers, and the district shall continue to implement their IEP. In all instances, the district shall consider any unique circumstances when determining whether to change the placement of students with disabilities who violate this code.

Crossref: Policy 4321 "Programs for Students with Disabilities"
P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"

5300.55 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, **State regulation provides that 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.

Ref.: 8 NYCRR §§ 19.5(a)-(c); 100.2(l)(3)(i).

5300.60 SEARCHES AND INTERROGATIONS

A. Computer Identification Systems & Random Metal Detection

At all secondary schools, computer identification systems shall be used to supplement other safety initiatives, and to insure to the extent feasible that

unauthorized access to the schools is minimized to the extent feasible. All students are required to carry their student identification, and to present it upon request to any District official or employee. Metal detection systems, including hand-held wands, walk-through and x-ray capacity equipment may be used by trained personnel at any school in a random manner, based upon computer generated random numbers, at the beginning of the school day, or at such other points in the school day as may be determined by the building principal; and may be done on a non-random basis premised upon reasonable suspicion. All students are subject to scanning procedures, and to confiscation of any material prohibited by law or school policy or regulations. Students refusing to cooperate with the scanning or authorized pat-down process shall be referred immediately for long-term suspension.

Crossref.: Policy 8135 “Safe Schools”
RCSD Revised Guidelines for Utilization of Stationary and/or
Hand-held Metal Detectors (1999)

B. Student Lockers, Desks and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. *Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.* Each student is deemed responsible for the contents of his or her locker. The District expressly reserves the right to initiate disciplinary proceedings and, where appropriate, make referrals for criminal prosecution where items found within lockers include prohibited or illegal material. Such searches may include the use of dogs trained for search purposes.

Ref.: *People v. Overton*, 20 N.Y.2d 360 (1969)

C. District Computer Equipment/Websites/E-mail Used by Any Person

No person using District faxes, computer equipment, software owned, leased or controlled by the District, or websites, e-mail or Internet access provided by the District has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the District. No person shall knowingly add any program or any hardware attachment (including wireless apparatus) to any such equipment without the express written consent of the District’s MIS department; nor shall any person knowingly or intentionally use any proprietary software on District equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose District equipment to any computer virus, worm or other technological invader. No user shall use District equipment to engage in extensive or abusive non-business or nonacademic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for District educational and business operations. *The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using School District equipment or on school property without*

prior notice or consent. Any use of District computer equipment or software, or Internet access from District equipment or from school property which violates federal or state law may be reported to appropriate law enforcement officials, and may also result in both disciplinary action and denial of prospective use of such equipment and of Internet access, and in a civil action to recover any judgment, settlement, fine or penalty imposed upon the District because of such statutory violation. Any use of such equipment or facilities which violates provisions of this Code of Conduct may result in both disciplinary action and denial of prospective use of such equipment and of Internet access.

Ref.: RCSD Policy # 4526 "Internet Acceptable Use Policy for Students & Schools; *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, ___US___, 162 L.Ed.2d 781, 125 S.Ct. 2764 (2005)

D. Individualized Student Searches, Generally.

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

An administrator or security personnel acting under the direction and supervision of an administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the official has a legitimate reason for the limited search [see, *In re Gregory*, 82 N.Y.2d 588 (1993)].

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse, and District security officials acting under the direction and supervision of an administrator to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. Searches may be conducted, upon reasonable suspicion, on school property, or during school functions including searches of lockers, hotel rooms, vehicles or other facilities used by students during school sponsored trips, or athletic or academic events, in which case the staff-member chaperones or coaches involved in such activity shall be deemed to have the same authority to act that applies to a building principal or security official on school property.

An administrator, or security official acting under the direction and supervision of an administrator, may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than District personnel, 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 personnel will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code of Conduct, 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, if practicable, students will be present when their possessions are being searched.

E. Documentation of Student Searches

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

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

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any dangerous item taken from a student, and to immediately turn over any illegal item, or item which may constitute evidence of a crime to the Rochester Police Department or other authorized law enforcement agency. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

F. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities, and in particular with the School Resource Officers provided to many District schools by the Rochester Police Department, 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 criminal investigations. Police officials

may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

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

For purposes of this Code, Rochester Police Officers assigned to District schools as School Resource Officers shall be deemed to have been invited to the schools by the District, for all purposes within the scope of their assignment.

Before police officials are permitted to question or search any student on school property in the context of an official criminal investigation, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted except pursuant to a warrant. 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.

G. Abuse/Neglect Investigations by Child Protective Services (CPS) and Law Enforcement.

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 and law enforcement officers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. School District administrators should not contact parents/guardians unless specifically advised to do so by CPS and or law enforcement officers involved in the investigation.

All requests by child protective services and law enforcement to interview a student on school property shall be made directly to the Principal or his/her designee. The Principal or designee shall set the time and place of the interview. All reasonable efforts should be made to assure that such interviews are conducted at the earliest time mutually convenient to the school and to CPS/law enforcement, and are conducted in a place that offers as much privacy and as few interruptions as is feasible, given the physical limitations of individual buildings.

The Principal or his/her designee should reassure the student that he/she (or other appropriate staff member selected by them) is available nearby if the student should decide to have him/her present in the interview. If the student requests a specific staff member's presence, then every effort should be made to secure that person's attendance at the interview. Anyone attending a CPS/law enforcement interview of a student is present solely to support the student emotionally and should not attempt to participate in or influence the interview.

If, after being informed of the availability of staff support, the student does not request a staff member's presence at the interview, the CPS/law enforcement official shall be permitted to interview the child alone.

If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

District staff are encouraged to contact the Law Department for clarification of any questions related to the foregoing process.

Ref.: Tenenbaum v. Williams, 193 F.3d 581 (2d Cir. 1999).

5300.65 VISITORS TO THE SCHOOLS

A. Searches of Persons and Parcels Entering District Property.

The safety of our students, staff, visitors and property is a matter of critical importance. As with courthouses, airports, monuments and other government facilities, there is special concern in modern times about the risks of violence and of drug activities, which are all the more acute in facilities used by children. All persons entering any District property, therefore, are subject to search of their person and parcels to the fullest extent authorized by federal or state law for persons entering other public buildings and facilities. Any person entering any District property is deemed to have consented to such search of person and parcels. No person refusing such search shall be permitted to remain on District property.

B. Visitation by Members of the Public.

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's

register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected **not** to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized or disorderly 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; and any additional rules or regulations imposed from time to time in connection with emergencies declared by District, City, County or State officials for any reason; or relating to alerts issued by the U.S. Department of Homeland Security.

Cross-ref.: Policy 1000 Community Relations Goals
Policy 1200 Community Involvement
Policy 1500 Public Use of School Facilities
Policy 1520 Public Conduct on School Property
Policy 1530 Smoking on School Premises
Policy 2120.1 Electioneering in Schools
Policy 4526 Internet Acceptable Use
Policy 5020.1 Sexual Harassment of Students
Policy 5312.1 Drug & Alcohol Abuse
Policy 5312.1a Drug Free Schools
Policy 7050 Community Use of Schools
Policy 8100 Safety Program
Policy 8135 Safe Schools
Policy 9320 Drug Free Workplace

5300.70 PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions, including meetings or hearings conducted by the Board of Education.. For purposes of this section of the code, “public” shall mean all persons when on school property or attending any school function wherever located, including students, teachers and other District personnel.

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

All persons on school property or attending any school function, meeting, conference or hearing shall conduct themselves in a respectful and orderly manner. Just as parents, guardians and other visitors expect the administrators, teachers and staff to treat them with dignity and civility, those visitors are expected to extend the same courtesy and cooperation to the District's employees. Good sportsmanship and civility are expected of all persons participating in, coaching or attending sports events, or attending public assemblies and programs. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

This provision is supplemental to other policies of the Board of Education relative to the use of school district property by members of the community, and is directed specifically to assuring to the fullest possible extent that all users of school district property, including visitors, comport themselves in a civil, peaceful and lawful manner. (See Superintendent's Regulation).

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally or recklessly injure any person or threaten or attempt to do so.
2. Intentionally or recklessly damage or destroy, or attempt to damage or destroy District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, sporting events, assemblies, theatrical or musical presentations, meetings, conferences, hearings, Board of Education meetings or other school activities.
4. Distribute or wear materials on school property or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability; or use language or gestures which a reasonable person would find intentionally discriminatory toward any person or group entitled to protection in his or her right to obtain an education under the New York State Executive Law. Such intimidation may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.

9. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers while on duty as such, or except as specifically authorized by the Board of Education or by statute.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Comport themselves in a manner which violates Districts rules, particularly with regard to the limited public forum made available by the Board; or which violates the terms of any use permit.
17. Threaten to use any weapon; or brandish or display what appears to be a weapon.
18. Attempt to obtain property or favor from another by threat or by force.
19. Threaten bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.
20. Use language or gestures that are profane, lewd, vulgar or abusive, or uncivil, particularly during meetings, conversation or discussion with any teacher, administrator, staff member or student.
21. Place a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or make a telephoned, written or electronic message that a bomb, explosive, biological or chemical weapon or incendiary device has been or will be placed on or near District property.
22. Commit any other act on District property or at a school function which would be prohibited under Section 5300.30 of this Code if committed by a Student of this District.

B. Penalties

Persons who violate this code shall be subject to the following penalties provided, however, that except as required by law, no provision of this Code shall be construed to amend in any way, alter, enlarge, reduce, supplement or supercede any provision of any of the District's collective bargaining agreements:

1. **Parents, Guardians or other Visitors.** Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Any use permit(s) issued to the visitor or to any organization or group which permitted such person to come on school property may be suspended or withdrawn. If any participant in a meeting,

conference or hearing, including a visitor, is physically or verbally abusive or uncivil toward any other participant, or remains disruptive after being asked to desist from such conduct, that person may be removed from the meeting, conference or hearing and/or the meeting, conference or hearing may be immediately adjourned. Such visitors may be removed from the building, and/or may be restricted as to future visits. If any such visitor acts in a manner which is threatening, or which violates any federal, state or local penal law, such person may be subject to criminal prosecution. Any visitor causing personal injury or damage to the property of the District, or its staff or students may be subject to civil liability for such damage.

2. **Students.** They shall be subject to disciplinary action as the facts may warrant, in accordance with this Code. Students and parents may also be subject to civil liability for property damage under the provisions of the General Obligations Law or other state statute or common law.
3. **Teachers and School Administrators.** Tenured teachers and school administrators shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have, pursuant to collective bargaining agreement or otherwise. Non-tenured teachers and school administrators shall be subject to disciplinary action as the facts may warrant in accordance with such legal rights as they may have, pursuant to collective bargaining agreement or otherwise.
4. **Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75.** They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have, pursuant to collective bargaining agreement or otherwise.
5. **Staff members or other district personnel, including volunteers, other than those described in subdivisions 3 and 4.** They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have, pursuant to collective bargaining agreement or otherwise.

The penalties listed above relate to enforcement of the Code of Conduct. Separately, and in addition to Code of Conduct or civil remedies which may be invoked by the District and its officials, any person may be subject to investigation, arrest and prosecution for acts or omissions which may constitute violations of the criminal laws of the United States or the State of New York or of its political subdivisions.

C. Enforcement

The Principal or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees or is advised by others of an individual engaged in prohibited conduct, which in his or her judgment and discretion does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop.

If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct, in the judgment and discretion of the Principal or designee poses an immediate threat of injury to persons or property, or to public order, the Principal or designee shall have the individual removed immediately from school property or the school function and **may, if he or she believes it necessary, call the police to assist in removing the person.**

The District may initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. **In addition, the district reserves its right to pursue legal action, civil and/or criminal, against any person violating the Code.**

Cross-ref.: Policy 1000 Community Relations Goals
Policy 1200 Community Involvement
Policy 1500 Public Use of School Facilities
Policy 1520 Public Conduct on School Property
Policy 1530 Smoking on School Premises
Policy 2120.1 Electioneering in Schools
Policy 4526 Internet Acceptable Use
Policy 5020.1 Sexual Harassment of Students
Policy 5312.1 Drug & Alcohol Abuse
Policy 5312.1a Drug Free Schools
Policy 7050 Community Use of Schools
Policy 8100 Safety Program
Policy 8135 Safe Schools
Policy 9320 Drug Free Workplace

5300.75 DISSEMINATION, REGULATIONS AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this Code of Conduct in the manner required by State regulation, which may include:

1. Providing copies of a summary of the Code to all students in a manner(s) chosen by the principal as appropriate to the size, student population and organization of each building.

2. Making copies of the Code available to all parents, upon request, at the beginning of the school year at the schools, at Central Office, and on the website.
3. Making a summary of the Code of Conduct written in plain language to parents of District students upon request; and at the time of a child's initial registration with the District.
4. Providing current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code upon request.
5. Providing all new school building staff with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members at school buildings and on the website.

Ref.: Education Law § 2801(4); 8 NYCRR 100.2(l)(iii).

B. Staff In-Service

The Board of Education directs the Superintendent to sponsor appropriate in-service and other education programs on a regular basis for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent shall solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Such in-service programs may be developed and/or presented directly by the District, or in collaboration with its Unions, educational (including other Districts, BOCES, or colleges), business or community partners, or contractors. The Superintendent or his designee is encouraged to solicit the suggestions of the collective bargaining units for topics of interest and importance when determining the subject matter for Code of Conduct related in-service training. The Superintendent shall report at least annually to the Board regarding the in-service training programs made available for staff members.

The District will provide the following types of materials and activities to assist staff with their concerns for disciplinary problems:

1. related literature in the professional library;
2. workshops on conference days;
3. in-service classes to train staff in present trends and research; and
4. consultants to those members of the staff needing specific techniques in maintaining control in the learning environment,

The Superintendent is authorized to promulgate orders intended to insure that initial training and periodic refreshers are available for all District personnel regarding the nature, scope and procedures covered by this code of conduct.

Ref.: 8 NYCRR 100.2(l)(ii)(p).

C. Promulgation of Administrative Regulations

Consistent with the policy guidelines set forth above, the Superintendent of Schools is authorized to promulgate, revise, maintain and enforce throughout the District administrative guidelines and regulations consistent with

constitutional requirements, that address particular issues of administration, interpretation and enforcement of any section of this policy. No administrative regulation issued prior to the adoption of the Code of Conduct, on August 16, 2001 shall have any force or effect unless reissued by the Superintendent after that date. (See Superintendent's Regulation).

D. Resolving Incompatibility with Other Policies or Regulations.

It is the policy and intent of the Board of Education that if any policy or administrative regulation of this District, at any time, is in whole or in part inconsistent or incompatible with this Policy (which is reviewed and reauthorized annually) or with the administrative regulations authorized herein, that such inconsistent or incompatible portion of such policy or regulation shall be deemed to be superseded by the Code of Conduct; provided, however, that to the extent that the provisions or purposes of such policy or regulation are not incompatible, or can be enforced without reference to the incompatible portion, then such provisions and purposes shall be deemed to continue in full force and effect.

E. Review of Code of Conduct

(1) The Board of Education will review this Code of Conduct and any staff recommendations every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

(2) Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

(3) The Code of Conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

Ref.: Education Law §2801(5)

F. Severability

If any provision of this Code, or the application of any provision to any person(s) or circumstance(s) be held to be unconstitutional or otherwise unenforceable, by any Court, by legislative enactment or amendment, or by any Opinion of the Commissioner of Education, it is the intent of the Board of Education that such a ruling shall in no way effect or impair any other provision of this Code, or the application of any such provision upon any other person or circumstance.

Adopted Res. 2001-2002: 184 (August 16, 2001)

Revised & Readopted Res. 2002-2003: 845 (May 20, 2002)

Revised & Readopted Res. 2003-2004:64 (July 17, 2003)

Readopted Res.2004-2005:92 (July 15, 2004)

Rochester City School Board Policy Manual

Revised & Readopted Res. 2005-2006:179 (Aug. 18, 2005)

Revised & Readopted Res. 2005-06: 882 (June 15, 2006)

Revised & Readopted Res. 2007-2008:148 (Aug. 16, 2007)

Revised & Readopted Res. 2008-2009:365 (Oct. 23, 2008)

Revised & Readopted Res. 2009-2010: 340 (November 19, 2009)

Laws, Regulations and Cases cited throughout the Code of Conduct

5300.10 Definitions

Education Law §3214(2-a)(b)
Vehicle and Traffic Law §142
Education Law §2801(1)
Education Law §2801(1) as revised L. 2005, Ch. 402
Education Law §3214(2-a)(a)
8 NYCRR §100.2(gg)
Guns Free School Act 18 USC §921, New York Education Law §3214(3)(d)
Gun Free Schools Act, 18 USC §3351; 8921; 8922; 921; NY Education Law §3214(3)(d); 8 NYCRR §100.2(gg)

5300.15 Student Responsibilities and Rights

8 NYCRR 100.2(1)(2)(ii)(o)

5300.35 Reporting Violations

Penal law §120.05(10)

5300.40 Student Disciplinary Penalties, Procedures

Education Law §3214
Education Law §3214(3)
Appeal of Amara S., 39 Ed. Dept. Rept. 90 (1990)
20 USC §8921
Education Law §3214(3)(d)
Education Law §3214(3-a)
Education Law §§3202(10a);3205-3215;3225
8 NYCRR §175.6
Penal Law §221.05
New York Family Court Act §712
Education Law §3205
Criminal Procedure Law §1.20 (42)

5300.45 Alternative Instruction

Education Law §3214

5300.50 Discipline of Students with Disabilities

Individuals with Disabilities Education Improvement Act of 2004, P.L. 108-446

5300.55 Corporal Punishment

8 NYCRR §§19.5(a)-(c); 100.20(1)(3)(i)

5300.60 Searches and Interrogations

People v. Overton, 20 N.Y. 2d 360(1969)
Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., ___US___, 162 L.E.2d 781, 125 S.Ct. 2764 (2005)
In re Gregory, 82 N.Y.2d 588 (1993)
Tenenbaum v. Williams, 193 F.3d 581 (2d Cir.1999)

5300.70 Public Conduct on School Property

Civil Service Law §75

5300.75 Dissemination, Regulations and Review

Education Law §2801(4); 8 NYCRR 100.2(I)(iii)
8 NYCRR 100.2(ii)(p)
Education Law §2801(5)