

# **Watervliet City School District District-Wide Code of Conduct**



**Originally Adopted in May 2006 by the Watervliet Board of Education**

**Reviewed and Updated Annually**

**Re-approved by the Board of Education July 1, 2015**

# **CODE OF CONDUCT**

## **INTRODUCTION**

The Board of Education (“board”) of the Watervliet City School District 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, other district personnel, parents and additional visitors is essential to achieving this goal.

The Board of Education further recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment against students by students and/or school employees on school property or at a school function or outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process, may be subject to discipline.

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 district also maintains the highest level of confidentiality in all matters.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the board adopts this *code of conduct*.\*

Unless otherwise indicated, this *code* applies to all students, school personnel, parents and additional visitors when on school property or attending a school function.

\*Referred to publication.

## **DEFINITIONS**

For purposes of this *code*, the following definitions apply:

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

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

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

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

and Traffic Law §142).

**“School function”** means any school-sponsored, extra-curricular event or activity.

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

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

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

**“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

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

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality

(Education Law §1 1[5]).

**“Harassment/bullying”** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

- (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

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

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

Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to:

- o race
- o color
- o weight
- o national origin
- o ethnic group
- o religion
- o religious practice
- o disability
- o sex
- o sexual orientation
- o gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).

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

- Commits an act of violence upon a school employee or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

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

## **I. STUDENT RIGHTS AND RESPONSIBILITIES**

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

### **It shall be the right of each district student:**

- To have a safe, healthy, orderly and courteous school environment.
- To take part in all district activities on an equal basis, regardless of race, sex, religion, national origin or disability.
- To attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law.
- To have school rules and conditions available for review and whenever necessary, explained by school personnel.
- To address the board on the same terms as any citizen.
- To be suspended from instruction, only after his/her rights pursuant to Education Law §3214 have been observed.
- In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.

### **It shall be the responsibility of each district student:**

- To be familiar with and abide by all district policies, rules and regulations pertaining to student conduct and academic performance.
- To work to the best of his/her ability in all academic and extra-curricular pursuits and strive toward the highest level of achievement possible.

- To conduct himself/herself, when participating in or attending school-sponsored extra-curricular events, as a representative of the Watervliet School District and as such, hold himself/herself to the highest standards of conduct, demeanor and sportsmanship and accept responsibility for his/her actions.
- To seek help in solving problems that might lead to disciplinary procedures.
- To be in regular attendance at school and in class in accordance with District Attendance Policy.
- To contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property.
- To dress in accordance with standards promulgated by the board and the superintendent.
- To make constructive contributions to the school and to report fairly the circumstances of school-related issues.

## **II. ESSENTIAL PARTNERS**

### **Parents**

#### **Parents are expected to:**

- Recognize that the education of their child is a joint responsibility of the parents and the school community.
- Send their child to school ready to participate and learn.
- Ensure their child attend school regularly and on time.
- Ensure absences are excused.
- Insist their child be dressed and groomed in a manner consistent with the student dress code.
- Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their child understand them.
- Convey to their child a supportive attitude toward education and the district.
- Help their child deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.

- Provide a place for study and ensure homework assignments are completed.
- Continuously monitor their child's academic progress and actively communicate with teachers and all district personnel.

## **TEACHERS**

### **All district teachers are expected to:**

- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules and enforce them in a fair and consistent manner.
- Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
- Communicate regularly with students, parents and other teachers concerning growth and achievement.

## **GUIDANCE COUNSELORS**

The school counselors assist the student in planning a program of studies and discuss problems which may arise in his/her educational, vocational and school adjustment.

### **K-6 GUIDANCE COUNSELORS are expected to:**

- Prepare students to participate effectively in their current and future educational programs.
- Help students with attendance, academic, behavioral or adjustment problems.

- Educate students to avoid sexual abuse and other forms of child abuse.
- Encourage parental involvement in their child's education.

**7-12 GUIDANCE COUNSELORS are expected to:**

- Conduct an annual review of each student's educational progress and career plans.
- Provide advisory services for curriculum options, educational and career plans, attendance, academic, behavioral and adjustment problems.
- Provide counseling services for curriculum options, educational and career plans, attendance, academic, behavioral and adjustment problems.
- Provide instruction at each grade level, 7 through 12.
- Encourage parental involvement.

**PRINCIPALS are expected to:**

- Promote safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for re-dress of grievances.
- Evaluate, on a regular basis, all instructional programs and staff.
- Support the development of and student participation in appropriate extra-curricular activities.
- Be responsible for enforcing the *code* and ensuring that all cases are resolved promptly.

**The SUPERINTENDENT is expected to:**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Review with district administrators, the policies of the board of education and state and federal laws relating to school operations and management.
- Inform the board about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.

- Work with district administrators in enforcing the *code* and ensuring that all cases are resolved promptly and fairly.
- Act as a liaison between district employees and Board of Education.

**BOARD OF EDUCATION members are expected to:**

- Assure the opportunity for high quality education for every student and make the wellbeing of students the fundamental principle in all decisions and actions.
- Represent the entire community without fear or favor.
- Accept all responsibilities as a means of unselfish service, while not using their positions for personal gain.
- Act as part of an educational team with mutual respect and regard for each others' respective responsibilities and duties, recognizing that the strength of a school board is in acting as a board, not as individuals.
- Preserve the obligation of having all issues considered fairly and without bias.
- Uphold the principles of due process and individual dignity and protecting the civil and human rights of all members of the school community.
- Maintain high standards and the effectiveness of education through research and continuing professional development.
- Obey all national, state and local laws and regulations pertaining to education and public agencies.

### III. STUDENT DRESS CODE

The Board of Education requires students to attend school in attire that meets health and safety standards and does not interfere with the learning process of other students. The Board also requires students to wear appropriate protective gear in certain classes (e.g., home and careers, technology, physical education).

Unless otherwise required for medical or religious purposes, the Board bans: all inappropriate attire including clothing or accessories which disrupt the educational process. This includes, but is not limited to, attire bearing any expression which can be considered obscene, promoting violent behavior, promoting tobacco, alcohol, or other drug use.

Also prohibited:

- \*wearing of hats, bandanas, sweat bands and other head gear anywhere in the building.
- \*revealing attire (i.e.) showing underwear, midriff, (buttocks or cleavage) tube tops, tank tops, net tops, halter tops, spaghetti straps, plunging necklines, and sheer/see through garments.
- \*short skirts/shorts that do not fall below finger tips (when arms are extended at students' sides)
- \*wearing coats (outerwear) anywhere in the building
- \*gang paraphernalia
- \*sunglasses

The Superintendent of Schools and other designated administrative personnel, as well as faculty and staff, have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines. Any student who refuses to do so shall be subject to discipline, according to the school discipline code. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, according to the school discipline code.

#### **IV. STUDENT CONDUCT**

The board of education is committed to maintaining an orderly school atmosphere which provides students and staff with productive, satisfying and wholesome learning environments. Essentially, this means that relationships are such that students can learn and teachers can teach.

The board is also committed to protecting First Amendment freedoms within the school system. However, lawlessness in any form will not be tolerated. The district will not permit students to engage in any conduct intended to destroy personal or school property, disrupt or interfere with teaching, research, service, administrative or disciplinary functions or any district-sponsored or approved activity.

#### **V. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the building principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff, which 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* to their supervisor, who shall in turn impose an appropriate disciplinary sanction if so authorized or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical but, in no event, later than the close of business the day the principal or

his/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 must identify the student and explain the conduct that violated the *code* and constituted a crime.

## **VI. PENALTIES**

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

- Verbal warning
- Written Warning
- Written notification to parent
- Reprimand
- Detention (morning, lunch or after school)
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extra-curricular activities
- Suspension of other privileges
- Exclusion from a particular class
- In-school suspension
- Suspension
- Referral to Family Court

Remedial responses especially for harassment, bullying and/or discrimination that may also be used to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation

differently in the future and/or make amends to those who have been harmed;

- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Counseling, although not considered a penalty, may be an alternative to the imposition of a penalty, provided that such counseling is formally procured through the guidance office or social worker.

Involuntary transfer, although not a penalty, may be considered in cases where a non-disabled student's behavior problems indicate the need for transfer and the non-disabled student would benefit from the transfer. A non-disabled student may be transferred only in accordance with Education law Section 3214(5).

Depending upon the nature of the violation, it is the desire of the board of education that student discipline be progressive. It is also the board's desire that staff members imposing such penalty take into account all other relevant factors in determining the appropriate penalty. The above penalties may be imposed either alone or in combination.

## VII. INITIATION OF A STUDENT DISCIPLINARY PROCEEDING

Any teacher, administrator, board member, parent or other person may report a violation of the student disciplinary code to the building principal or his/her designee. He/She may then make an investigation of the charges as deemed appropriate and institute an informal or disciplinary proceeding and/or make a referral to the Committee on Special Education, as deemed necessary.

When discipline administered by a classroom teacher does not result in acceptable student behavior, the teacher shall file a written report with the building principal or designee, who will then take the following action:

- **Initial Infraction** – Conference with building principal or designee.
- **Repeated Referral to Principal** – Conference with building principal or designee, teacher, student and student's parent.
- **Suspension** – If the severity of the situation warrants or the student is a habitual offender, the school authorities may suspend the student involved, as outlined in policy 5313.3, Suspension.

This policy and the board's rules and regulations for the maintenance of public order on school property will be publicized and explained by the teaching staff to all students and provided in writing to all parents on an annual basis. In order to ensure the effectiveness of this student discipline *code*, the board requests the continuing assistance of parents in explaining and enforcing the *code*. A student handbook will be made available each year for the entire student population. The board recognizes a student's right to a superintendent's hearing, before a suspension from attendance in excess of five (5) days, and the right to an appeal of such a suspension to the board, pursuant to Education Law §3214 and Policy 5313.3, Student Suspension.

## **VIII. DETENTION**

The board of education believes that detention is an effective method of discipline for students. A student who violates the student disciplinary *code* may be assigned detention by the school office or any member of the faculty. In order for a student to be placed on detention, the building principal and the parents must be notified.

## **IX. IN-SCHOOL SUSPENSION**

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

The In School Suspension program was developed to provide a continued education program for students removed from regular classes.

## **X. STUDENT SUSPENSION**

The board of education, the superintendent and building principals will have the power to suspend students for serious infractions of rules of conduct for periods not to exceed five (5) school days for any given incident. The board and/or superintendent may also suspend a student for longer than five (5) days. In such cases, the superintendent and/or building principal will immediately provide written notification of the suspension to the students' parents and will afford the opportunity for a hearing with respect to the basis of such suspension. The notice and hearing will comply with the Education Law and Commissioner's Regulations as outlined in the related regulation, Policy 5313.3-R.

## **XI. TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENT(S)**

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

Such practices may include but are not limited to:

- Short-term "time-out" in an elementary classroom, school designed "time-out" area or administrator's office.
- Sending a student into the hallway briefly.
- Sending a student to the Principal's office for the remainder of the class time only (or subject time in elementary school).
- Sending a student to a guidance counselor or other district staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this *code*.

On occasion, a student's behavior may become disruptive. For purposes of this *code*, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two (2) days. The removal from class applies to the class of the removing teacher only. The teacher is responsible for providing all work to the student for the days they are removed.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why

he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed.

Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or on-going threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version, to the teacher and an administrator, of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his/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. 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, the principal or another district administrator designated by the principal, must notify the students' parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reason(s) 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 parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number for the purpose of contacting parents.

The principal will require the teacher, who ordered the removal, to attend the informal conference. If, at the informal meeting the student denies the charge(s), the principal or the principal's designee must explain why the student was removed and give the student and the student's parent a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

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

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

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

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/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. In cases where students are continually removed from a particular class, building principals will, at their discretion, direct teachers to pursue a course of continuing education or training.

## **XII. ALTERNATIVE INSTRUCTION**

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

The teacher has the responsibility of providing the educational programming for said period of suspension.

## **XIII. DISCIPLINE POLICY FOR STUDENTS WITH DISABILITIES**

Students with disabilities should not be disciplined if their inability to conform to the school's *code* is related to their disability. If there is a question as to whether a student's behavior is related to that condition, the case should be referred by the building principal to the Committee on Special Education (CSE). The CSE will decide if counseling or disciplinary action will be taken and/or if a change of placement is appropriate.

If the behavior of such student might endanger the health and safety of himself/herself or others, the district will follow the procedures outlined in Policy 5313.3-R, Student Suspension Regulation.

#### **XIV. CORPORAL PUNISHMENT**

The board of education, prohibits the use of corporal punishment by district employees.

No teacher, administrator, officer, employee, or agent in the district shall use corporal punishment against a student.

As used in this section, corporal punishment is defined as the use of physical force for the purpose of punishing a student, except otherwise provided below.

Nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:

- *To protect oneself from physical injury.*
- *To protect another student or teacher or any other person from physical injury.*
- *To protect district property or the property of others.*
- *To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of district functions, powers or duties if that student has refused to comply with a request to refrain from further disruptive acts.*

The above exceptions are permissible, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the same purposes.

A report of any serious incident will be filed with the principal, who will notify the superintendent of schools within a twenty-four hour period.

## **XV. STUDENT SEARCHES AND INTERROGATIONS**

In recognition of certain societal problems which present themselves from time to time in our schools, the Board of Education authorizes The Superintendent of Schools, building principals and assistant principals to conduct searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare, or morals of students attending our schools.

In authorizing such searches, The Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, book bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Students shall be informed by the administration that school lockers are not their private property but the property of the district and that as such may be opened and subject to inspection at any time by school officials. While recognizing the right to inspect students' school lockers without the necessity of obtaining students' consent is inherent in the authority granted school boards and administrators. School officials will exercise every safeguard to:

- Protect each student's constitutional rights to personal privacy and protection from coercion.
- Emphasize that schools are educational rather than penal institutions.
- Resolve any doubts in the student's favor.

Realizing the intrusive nature of a search which requires a student to remove any and/or all clothing, The Board authorizes these searches following a review of the facts by the school attorney or The Superintendent or his/her designee in the absence of the school attorney. Such searches are to be conducted only in situations where an emergency exists or necessity of searching a particular student without delay exists. Prior to engaging such searches, the district will take into account the nature of the crime, the student's age, student's record, need for such a search and demonstration of individualized suspicion.

#### **XVI. INTERROGATION OF STUDENTS BY POLICE**

It is the policy of this district to cooperate with law enforcement agencies. While police do not have a general power to interview children in schools or to use school facilities in connection with police department work, the police may enter the schools of the district if a crime has been committed on school property if they have a warrant for arrest or search or if they have been invited by school officials.

When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

#### **XVII. CHILD PROTECTIVE SERVICES' INVESTIGATIONS**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable social services law.

## **XVIII. VISITORS TO THE SCHOOLS**

Persons who are not students or staff shall report immediately to the school office upon entering a school building. Persons other than parents, students or staff, who desire to visit a school building, shall do so only with the permission of an appropriate administrative staff member.

The Board recognizes that many visitations that will occur are regularly-scheduled events, i.e., Parent Teacher Organization meetings, public gatherings, registering of pupils, etc. There are also occasions when parents desire to visit their child's classroom at other than regularly-scheduled times. When such visitations occur, they shall be made on the basis of a defined need and shall be made only with the approval of their child's teacher and principal. The Board views these visits as constructive; however, no such visit shall be permitted to interfere with the educational process.

Student visitors from other schools, unless they have a specific reason and prior approval of The Superintendent of Schools, shall not be given permission to enter school buildings. New students accompanied by their parents are always welcome.

Visits to school buildings are to be in accordance with The Board regulations posted in conspicuous places. All visitors must report to the main office, sign and be issued a visitor's permit which must be displayed at all times. A violation of the visitation policy shall be prosecuted pursuant to New York State law.

## **XIX. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The Board of Education recognizes that the primary purpose of the district is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the educational process or having such effect, is hereby declared to be in violation of board policy. The Board shall approve rules and regulations to effect this policy as required by Education Law §2801.

The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The board will also seek restitution from and prosecution of any person or persons who willfully damage school property.

It is not the intent of this policy to limit freedom of speech or peaceful assembly. The Board recognizes that free inquiry and free expression are indispensable to the objectives of a school district. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

### **Privacy Rights**

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

## **DISSEMINATION AND REVIEW**

### ***DISSEMINATION OF CODE OF CONDUCT***

The Board will work to ensure that the community is aware of this *code* by:

- Providing copies of a summary of the *code* to all students at a general assembly held at the beginning of each school year.
- Making copies of the *code* available to all parents at the beginning of the school year.
- Mailing a summary of the *code*, written in plain language, to all parents of district students before the beginning of the school year and making this summary available during the year upon request.
- Providing all current teachers and other staff members with a copy of the *code* when they are first hired.
- Making the *code* available for review via the internet by students, parents and other community members.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the *code*. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this *code* every year and update it as necessary. In conducting the review, the Board will consider how effective the *code*'s provisions have been used and whether the *code* has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the *code* and the district's response to *code* violations. The committee will be made up of representatives of student, teacher, administrator and parent organizations, school safety personnel and other school personnel.

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

The *code* and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.

The District's Dignity for All Students Coordinators are:

Mrs. Alison Santiago- Watervliet Elementary Social Worker- 629-3332

Mrs. Noreen Gill- Watervliet Jr Sr High School Social Worker-629-3300 xt 2210

Ms. Kirsten DeMento- Director of Curriculum & Instruction- 629-3231

If you feel that you have been bullied, discriminated or harassed or have witnessed an incident of such, please contact the building principal or one of the DASA coordinators.