

UTICA CITY SCHOOL DISTRICT

**CODE OF  
CONDUCT**

*IN ACCORDANCE WITH*

**THE NEW YORK STATE  
SCHOOLS AGAINST VIOLENCE  
IN  
EDUCATION ACT**

**JULY 1, 2023 – JUNE 30, 2024**

CODE OF CONDUCT

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CODE OF CONDUCT**I. Introduction**

- A.** The Utica City School District has adopted a comprehensive Code of Conduct that maintains public order on school property and at school functions. The Code also governs the conduct of students, teachers, other school District personnel and visitors and which aligns with Article 2-A of the Education Law, Dignity for All Students Act (DASA), the New York State SAVE Legislation. The Utica City School District seeks to deliver the highest quality of educational services without disruption or interference and formulates a policy which provides a safe and orderly school environment for students and District personnel. Responsible behavior by students, teachers, other District personnel, parents/guardians and visitors is essential to achieving this goal.

The Utica City School District recognizes that a positive school climate is an important factor in effective student management. A positive school climate helps to foster high levels of personal student growth and academic achievement and is predicated on the principles of safety, trust and effective communication among all stakeholders including parents, students, teachers and the entire school community.

Stakeholders agree that a positive school climate and effective Code of Conduct are characterized by the following:

1. Knowledge that all children are safe and being cared for in a welcoming and affirming environment.
  2. An atmosphere of respect, mutual understanding and trust between and among all members of the school community including the administration, faculty and staff, parents and students.
  3. An environment of mutually agreed upon norms which encourages everyone in the school community to act out of a sense of personal responsibility.
  4. A respect and understanding for diversity including the diversity of thought and expression.
  5. The establishment of high expectations for the entire school community where staff members consistently motivate and help students to be at their best; especially when struggling with socio-emotional or academic issues.
  6. Students exhibiting a love for learning; students engaged as active learners in each and every classroom.
  7. Knowledge that the Code of Conduct is carried out in a fair and consistent manner that provides an opportunity for learning and promotes personal growth.
  8. Employing proactive strategies in order to reduce the frequency of Code of Conduct violations with the knowledge that students need to be present and engaged in daily instruction.
- B.** The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations that are based upon the following principles:
1. Enforcing of school rules in a fair, firm, and consistent manner;
  2. Utilizing positive reinforcement for acceptable behavior;
  3. Keeping open communication with parents/guardians and the community;

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4. Demonstrating by work and personal example, respect for law, order, self-discipline, and striving to uphold principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.
  5. Utilizing restorative practices when appropriate.
- C. Unless otherwise indicated, this Code applies to all students, school personnel, parents/guardians and other visitors when on school property or attending a school function.

**II. Definitions**

For purposes of this code, the following definitions apply:

**A. Assault** – a person is guilty of assault when:

1. With intent to cause physical injury to another person, such injury is caused to such person or to a third person;
2. The assault recklessly causes physical injury to another person;
3. With criminal negligence, physical injury is caused to another person by means of a deadly weapon or a dangerous instrument;
4. Other circumstances involving assault are; but are not limited to:
  - a) Intending to disfigure;
  - b) Evincing a depraved indifference to human life, recklessly engaging in conduct, which creates a grave risk of death to another person.

**B. Bullying/Harassment** – the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that

1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, or physical well-being;
2. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;
3. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student;
4. 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])

**C. Chronic Absenteeism** – Defined as missing at least ten percent of enrolled school days (this includes excused and unexcused absences).**D. Compulsory School Age** – in New York State, section 3205 of the Education Law requires a child's attendance in full-time day instruction from the age of six to the end of the school year in which the child turns sixteen, or seventeen for school districts that select this age. **Utica City**

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**School District has selected to use ages five to sixteen.**

- E. Criminal Trespassing** – an unlawful intrusion that interferes with one’s person or property.
- F. Cyber-bullying** – means bullying/harassment, as defined above, through any form of electronic communication.
- G. Dignity for All Students Act (DASA)** – seeks to provide the State’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus and/or at a school function. (List of DASA Coordinators on page 29)
- H. Disability** – (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.
- I. Disruptive Student** – an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with a teacher’s exercise of duties or authority over the classroom.
- J. District Personnel** – 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 services. The term “District personnel” includes transportation personnel where employed by the District or by a contractor. For purpose of this Code, the terms “District Personnel” and “school personnel” are synonymous.
- K. Gender Identity** – a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.
- L. Home Tutoring** – assignment of a student to home instruction for one hour a day for elementary students and two hours a day for secondary students.
- M. Home Bound** – assignment of a student to home instruction due to a medical reason.
- N. Illegal Substances** – include but are not limited to: non-prescription inhalants; marijuana, synthetic marijuana, or other cannabinoids; non-prescribed psychoactive substances including but not limited to such substances when they are labeled as incense, bath salts, herbal mixtures or potpourri; cocaine; LSD; PCP; amphetamines; heroin and other opioids; steroids; look-alike drugs, and any substances commonly referred to as “designer drugs”; and paraphernalia commonly associated with these substances such as lighters, pipes, bongs, clips, and vaporizers.
- O. Larceny** – the act of obtaining the personal or private property belonging to another individual or entity through the use of illegal, unlawful, or fraudulent means.
- P. Parent** – parent, guardian or person in parental relation to a student.
- Q. Plagiarism** – to steal and pass off the ideas or words of another as one’s own; use of another’s production without crediting the source.

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- R. Professional Staff** – any employee who provides services in an educational setting.
- S. Prohibited Conduct** - no person, either singly or in concert with others, shall:
1. Cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act, which he or she has a lawful right to do, or to do any act, which he/she has a lawful right not to do;
  2. Damage or destroy property of the Utica City School District (UCSD) or remove or use such property without authorization (see Prohibited Conduct section);
  3. Disrupt the educational process or any school activity;
  4. Enter into any private office, desk, files (electronic or paper), or vehicle of an administrative officer, faculty member or staff member without permission. This prohibition does not apply to law enforcement officers or individuals designated by the Superintendent to conduct lawful investigations of alleged misconduct.
- T. Robbery** – taking property from another person by force or threat of force.
- U. School Function** – any school-sponsored extracurricular event or activity.
- V. School Property** – 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 on a school bus.
- W. Searches** – a student may be searched by a school administrator and their designee under the following conditions:
1. **Probable Cause** – reasonably trustworthy facts and circumstances known at the time of an investigation, sufficient to convince a fair-minded person of average intelligence that the suspect had committed or was committing an offense;
  2. **Reasonable Suspicion** – something less than “probable cause” (may rely on fewer trustworthy facts than probable cause). A search must be justified at the time of its inception (i.e., there must be reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating the law or school rules).
- X. Sexual Orientation** – a person’s actual or perceived heterosexuality, homosexuality, or bisexuality
- Y. Staff Personnel** – any part-time or full-time employee of the District.
- Z. Superintendent’s Hearing Waiver** – in lieu of a Superintendent’s Hearing, a District may utilize a process whereby students who face a suspension in excess of five days, may, together with their parents/guardians, elect to accept the District’s proposed disposition without a hearing.
- AA. Theft** – taking property that belongs to another without their consent.
- BB. Trespassing** – To enter or remain on school grounds/campus, school transportation, or at a school-sponsored event on or off campus without authorization or invitation and with no lawful purpose for entry.
- CC. Violent Student** – a student under the age of 21, who:



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1. Commits an act of violence upon a school employee, or attempts to do so;
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 to do so;
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, the use of 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 District property.

**DD. Visitor** – anyone who is not a part-time or full-time employee of the District, under contract with the District, or a student of the school.

**EE. Weapon** – a firearm [The term “firearm” as used in Section IV subsection (B)(2)(h) is defined in 18 U.S.C. Section 921(3) and shall include any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. The term “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that “destructive device” shall not mean any device not designed or redesigned for use as a weapon.] As defined in 18 U.S.C. §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, pocket knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, paint ball gun, pellet gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, ammunition or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

CODE OF CONDUCT**III. Rights and Responsibilities**

There are certain rights that are shared by all who are involved with the Utica City School District. **Students, parents/guardians, staff members, teachers, and administrators have the right to be treated respectfully by one another.** Additionally, all who are involved with the Utica City School District have the right to a safe, orderly environment in which to work, learn, or entrust their children. Teachers, staff, students, parents/guardians, and administrators are represented by the District Discipline Committee, an organization whose work will implement, monitor, evaluate, and modify, as needed, the guidelines established by the District-wide Code of Conduct. They are also represented on each Local School Discipline Committee.

**A. Student Rights**

As a student, you have the right to:

1. Be treated with respect and dignity in a safe and welcoming environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
2. Participate equally in all school/district activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex;
3. Present your version of the relevant events to school personnel authorized to impose a disciplinary action in connection with the imposition of the penalty;
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel;
5. Have complaints about school-related incidents investigated and responded to.

**B. Student Responsibilities**

As a student, you are expected to meet standards of behavior and academic effort that are common to every school in the Utica City School District. Students who achieve success meet these expectations by:

**1. Preventing and Resolving Problems**

- a) Comply with reasonable directions given by teachers, administrators and other school person in a respectful, positive manner;
- b) Contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and to property;
- c) Do your own work to the best of your ability;
- d) Follow class and school rules and be familiar with District rules and regulations;
- e) Behave in a safe manner;
- f) Ask an adult for assistance if there is a problem;
- g) Work to develop mechanisms to control your anger (i.e. Conflict Resolution, Mediation, Anger Management, Restorative Practices etc.);
- h) Accept responsibility for your actions;
- i) Act and speak respectfully about issues/concerns;
- j) Use non-sexist, non-racist and other non-biased language;

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- k) Respect and treat others with tolerance and dignity regardless of actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex;
- l) Use communication that is non-confrontational and is not obscene or defamatory, including but not limited to electronic communication such as social media and texting;
- m) Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others;
- n) Report possession of weapon(s), alcohol, or illegal substance(s).

**2. Attending School**

- a) Attend school every day unless you are ill or legally excused;
- b) Bring in written excuses for all absences;
- c) Attend school and all classes on time.

**3. Preparing for School**

- a) Bring books, paper, and other supplies to class;
- b) Complete assignments and turn them in on time;
- c) Complete assignments during in-school and out-of-school suspension;
- d) Dress appropriately for school and school functions (see IV Student Dress Code);
- e) Have current school issued photo on file.

**4. Participating in Classes and Activities**

- a) Participate fully in class discussions and activities;
- b) Seek assistance from teacher and/or other school personnel when necessary or when you don't understand something;
- c) Participate in after-school activities according to the guidelines and requirements of these activities;
- d) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**5. Adhering to the Code of Conduct****C. Parent Rights**

As a parent, you have the right to be treated with respect and dignity in a welcoming environment informed of your child's academic progress, attendance, and behavior and the right to visit your child's school at a mutually agreed upon time. You have the right to be consulted when decisions are made that affect your child. Furthermore, you are to be immediately informed of serious disciplinary actions concerning your child and may exercise your right to appeal suspensions. If your child is suspended, you have the right to receive information about alternative options.

**D. Parent Responsibilities**

As a parent, you are expected to meet standards of support for your child and the school your child attends that are common to every school in the Utica City School District. You should help your child meet these standards by:

CODE OF CONDUCT**1. Setting High Expectations for Your Child**

- a) Expect your child to achieve in school;
- b) Set up home rules and expectations that support the school's effort;
- c) Recognize that the education of your child is a joint responsibility of the parents/guardians and the school community;
- d) Ensure your child attends school daily;
- e) Ensure your child be dressed and groomed in a manner consistent with the student dress code (see IV);
- f) Know school rules and help your child understand them;
- g) Convey to your children a supportive attitude toward education and the District;
- h) Conduct yourself as a representative of the district when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.
- i) Help your child establish goals for their academic and personal growth.

**2. Communicating with Your Child and the School**

- a) Meet your child's teacher(s) and find out what is expected of your child;
- b) Tell your child that they must attend school every day, complete schoolwork, cooperate with school staff, and achieve in every class;
- c) Attend meetings and conferences when the school staff requests them;
- d) Inform school officials of changes in the home situation that may affect student conduct or performance;
- e) Provide schools with the means to contact you or a designated person during regular school hours in case of an emergency or a discipline problem;
- f) Provide school with any changes, with appropriate documentation, in:
  - i. Address/Living Status
  - ii. Telephone Number
  - iii. Emergency Contact
  - iv. Custodial Designee
  - v. Medication
- g) Provide written excuses for all absences and tardies.

**3. Helping Your Child Learn**

- a) Provide a regular place to do homework;
- b) Assist your child with homework;
- c) Help your child organize schoolwork and time;
- d) Expose your child to learning opportunities including libraries, museums, etc.;
- e) Ask the school staff for assistance if help is needed.

**4. Encouraging and Praising Your Child**

- a) Give your child feedback on their actions, both right and wrong;
- b) Praise/reward your child for their effort, improvement and achievement;
- c) Help your child deal effectively with peer pressure.

**5. Monitoring Your Child's Education**

- a) Communicate with the school frequently at a mutually agreed upon time to talk with staff (see XVIII, Visitors to the Schools);
- b) Review your child's schoolwork;
- c) Frequently discuss with your child what happened at school and what was learned;

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- d) Make sure that your child takes proper materials to school each day;
- e) Monitor use of electronic devices;
- f) Take advantage of opportunities to be involved in the processes that impact your child's education.

**6. Adhering to the Code of Conduct****E. Teacher, Guidance Counselor, Social Worker, Psychologist and Related Service Personnel Rights**

As school personnel, you have the right to be supported by administrators, staff, and parents/guardians in efforts to establish and maintain orderly, productive classrooms where all may learn and achieve. You also have the right to consult parents/guardians as well as administrators and support staff to better meet the needs of individual students. Additionally, you have the right to work with students who come to class prepared with necessary instructional materials and cooperate with class activities every day.

**F. Teacher Responsibilities**

As a teacher, you are expected to meet standards of support for students and the school they attend that are common to every school in the Utica City School District. You should help students achieve by:

**1. Preparing**

- a) Prepare and deliver daily lessons that are consistent with the New York State Learning Standards and the District's standard-based prioritized curriculum and the Utica City School District's lesson plan guidelines.
- b) Provide make-up assignments for students who are suspended, both in-school and out-of-school suspension;
- c) Maintain a climate of mutual respect and dignity, which will strengthen students' self- concept and promote confidence to learn.

**2. Providing a Positive Learning Environment**

- a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex, with the intent of strengthening students' self- concept and promoting confidence to learn;
- b) Establish and maintain an environment where all may learn;
- c) Demonstrate interest in teaching and concern for student achievement;
- d) Work with students to set forth classroom rules and procedures and encourage them to discuss these rules and procedures with their parents/guardians;
- e) Enforce classroom rules and procedures impartially and consistently;
- f) Dress professionally;
- g) Provide additional instructional support to students in need of or desirous of the same.

CODE OF CONDUCT**3. Evaluating**

- a) Recognize and work with various learning styles of students;
- b) Evaluate student performance through multiple measures.

**4. Communicating with Parents/Guardians, Staff, and Administrators**

- a) Communicate to students and parents/guardians:
  - i. Course objectives and requirements
  - ii. Marking/grading procedures
  - iii. Assignment deadlines
  - iv. Expectations for students
  - v. Mutually convenient times to communicate or meet
  - vi. Classroom discipline plan
- b) Communicate with parents/guardians about their children's progress, attendance, and/or behavior;
- c) Seek the assistance of support staff and administrators when necessary or desirable.
- d) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**5. Adhering to the Code of Conduct****6. Reporting Harassment, Discrimination, and Bullying**

Report orally to a Dignity for All Students (DASA) Coordinator any incident of harassment, bullying, and/or discrimination that they witness or that is reported to them, not more than one school day later; and file a written report not later than (2) school days after the initial oral report.

**G. Guidance Counselor, Social Worker, Psychologist and Related Service Personnel Responsibilities**

As a guidance counselor, social worker, psychologist or related service personnel, you are expected to meet standards of support for students and the school they attend that are common to every school in the Utica City School District. You should help students achieve by:

**1. Providing Guidance and Support**

- a) Assist students in coping with peer pressure and emerging personal, social and emotional problems, and make referrals as needed;
- b) Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;
- c) Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
- d) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's or staff member's attention in a timely manner;
- e) Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems;
- f) Regularly review with students their educational progress and career plans;
- g) Provide information to assist students with career planning;

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- h) Encourage students to benefit from the curriculum and extracurricular programs;
- i) Whenever possible, arrange with parents/guardians mutually agreed upon times to meet;
- j) Dress professionally;
- k) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**2. Adhering to the Code of Conduct**

**3. Reporting Harassment, Discrimination and Bullying**

Report orally to a Dignity for All Students (DASA) Coordinator any incident of harassment, bullying, and/or discrimination that you witness or that is reported to you, not more than one school day later; and file a written report not later than (2) school days after the initial oral report.

**H. Staff Rights (Teacher Assistants, Secretaries, Custodians, Cafeteria Workers, and Other Support Staff)**

As a school staff member, you have the right to serve or work with cooperative students. You also have the right to be provided with equipment, tools, and/or resources that will enable you to perform your responsibilities.

**I. Staff Responsibilities**

As a school staff member, you are expected to meet standards of support for students and the school they attend that are common to every school in the Utica City School District. You should help students achieve by:

**1. Providing a Positive Learning Environment**

- a) Provide a clean, safe learning environment;
- b) Establish and enforce rules of behavior that are pertinent to the respective areas in which you meet students and consistent with the guidelines established by the District's Code of Conduct;
- c) Be fair and consistent in the enforcement of behavioral rules and providing assistance;
- d) Dress professionally;
- e) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**2. Providing Guidance and Support**

- a) Help students who seek your assistance;
- b) Maintain a climate of mutual respect and dignity, which will strengthen students' self- concept and promote confidence to learn.

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3. **Providing Supplementary Resources and Materials**
  - a) Support classroom learning by assisting with supplementary materials and/or necessary media equipment.
4. **Adhering to the Code of Conduct**
5. **Reporting Harassment, Discrimination and Bullying**
  - a) Report orally to a Dignity for All Students Act (DASA) Coordinator any incident of harassment, bullying, and/or discrimination that you witness or that is reported to you, not more than one school day later; and file a written report not later than (2) school days after the initial oral report.

**J. Principal, Assistant Principal, or Designee Rights**

As an administrator, you have the right to be acknowledged as an educational leader. You have the right to the support and participation of parents/guardians, students, teachers, staff, and community members as school decisions are made. You further have the right to work with a well-trained, self-motivated, professional group of teachers and staff. In addition, you have the right to an orderly learning environment.

**K. Principal, Assistant Principal, or Designee Responsibilities**

As an administrator, you are expected to meet standards of support for students and the school they attend that are common to every school in the Utica City School District. You should help students achieve by:

1. **Creating the Learning Environment**
  - a) Ensure adherence to the District's Code of Conduct so as to maximize the safety and orderliness of the school;
  - b) Work in collaboration with faculty, other staff, the Shared Decision Making Committee, and local parent and school community groups to improve the school;
  - c) Dress professionally;
  - d) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.
2. **Providing Instructional Leadership**
  - a) Provide instructional leadership in conjunction with faculty;
  - b) Work with teachers as colleagues and recognize and encourage their instructional leadership roles;
  - c) Foster participatory decision-making via the Shared Decision Making Committee;
  - d) Inform parents/guardians of alternative learning opportunities in the community that are available to all students.
3. **Providing Supervision**
  - a) Organize and supervise the work of teachers and staff, in their various duties, to ensure that appropriate and equitable services are provided to students, teachers, and staff;
  - b) Support the development of and student participation in appropriate extracurricular activities.



CODE OF CONDUCT**4. Providing a Safe and Orderly Environment**

- a) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex, with the intent of strengthening students' confidence and promoting learning;
- b) Work with faculty and staff to enforce the District's Code of Conduct;
- c) Monitor use of school facilities;
- d) Cooperate with law enforcement and community agencies.

**5. Communicating with Central Administration, Building Staff, Parents/Guardians, Students and Community****6. Adhering to the Code of Conduct**

**7. Acting as a Dignity for All Students (DASA) Coordinator, process in a timely manner all reports of harassment, bullying, and/or discrimination, including insuring that an appropriate investigation is conducted and appropriate reports are made to law enforcement.**

**L. Central Office Administrator Rights**

As an administrator, you have the right to be acknowledged as an educational leader. You have the right to the support and participation of parents/guardians, students, teachers, administrators, staff, and community members as school decisions are made. You further have the right to a well-trained, self-motivated, professional corps of administrative colleagues, teachers and staff.

**M. Central Office Administrator Responsibilities**

As a central office administrator, you are expected to meet standards of support for students and the school they attend that are common to every school in the Utica City School District. You should help students achieve by:

**1. Providing Instructional Leadership**

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- b) Review with administrative colleagues the policies of the Board of Education and state and federal laws relating to school operations and management;
- c) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
- d) Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
- e) Dress professionally;
- f) Conduct yourself as a representative of the District when participating in or attending school-sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**2. Adhering to the Code of Conduct****3. Reporting Harassment, Discrimination and Bullying**

Report orally to a Dignity for All Students (DASA) Coordinator any incident of harassment, bullying, and/or discrimination that you witness or that is reported to you, not more than one school day later; and file a written report not later than (2) school days after the initial oral

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report.

**N. Superintendent Rights**

As a superintendent, you have the right to be acknowledged as an educational leader. You have the right to the support and participation of parents/guardians, students, teachers, administrators, staff, and community members as school decisions are made. You further have the right to a well-trained, self-motivated, professional group of administrators, teachers and staff.

**O. Superintendent Responsibilities**

As a superintendent, you are expected to meet standards of support for administrators, teachers, staff, and students. You should help students achieve by:

**1. Providing Instructional Leadership**

- a) Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- b) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex, with the intent of strengthening students' confidence and promoting learning;
- c) Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
- d) Inform the Board of Education about educational trends relating to student discipline;
- e) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
- f) Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
- g) Dress professionally;
- h) Conduct yourself as a representative of the District when participating in or attending school sponsored extracurricular events on and off school grounds and hold yourself to the highest standards of conduct, demeanor, and sportsmanship.

**2. Adhering to the Code of Conduct**

3. **Reviewing in a timely manner all reports prepared by the District-wide Dignity for All Students (DASA) Coordinator concerning an incident of alleged harassment, bullying, and/or discrimination, and ensuring that appropriate reports are made to law enforcement and appropriate corrective actions have been taken in school.**

**P. Board of Education Rights**

As the Board of Education, you have the right to be acknowledged as the governing body, and are expected to meet standards of support for the Superintendent as policies are set that affect the District, administrators, teachers, staff, and students.

**Q. Board of Education Responsibilities**

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;

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2. Adopt and review annually the District's Code of Conduct to evaluate the Code's effectiveness, fairness and consistency of its implementation;
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

### **IV. Student Dress Code**

- A.** All students are expected to dress appropriately for school and school functions. Students and their parents/guardians have the primary responsibility for acceptable student dress, appearance, and cleanliness. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.
- B.** Each building principal or the principal's designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
- C.** A student's dress, grooming and appearance shall conform to the following:
  1. Be safe, appropriate, and not disrupt or interfere with the educational process. Therefore, footwear is to be worn at all times. Any footwear that is a safety hazard (slippers, flip-flops, and the like) should not be worn. Also, under garments are to be covered completely by outer clothing.
- D.** Students should not wear:
  1. Extremely brief garments, such as tube tops, net-tops, halter tops, see-through garments, or garments which have spaghetti straps or plunging necklines (front or back);
  2. Skirts or dresses with high slits;
  3. Skirts, dresses, or shorts that are too short (hemlines should be no higher than mid-thigh);
  4. Or display, hats, caps, bandanas, or any other head covering (including hoods), except for a proven medical or religious purpose;
  5. Or display clothing or items that are gang related or that indicate gang involvement;
  6. Or display clothing or items that are vulgar, obscene, libelous, or that denigrate others based on a person's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender, or sex, or displays, promotes or references illegal substance(s) as defined in Section II.M;
  7. Or display clothing or items that display violence, including but not limited to guns, knives, stars.
- E.** 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.

CODE OF CONDUCT**V. Prohibited Student Conduct**

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

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

The District recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The 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 school rules will be required to accept the consequences of their conduct.

These consequences can range from an oral warning to suspension and/or expulsion.

Students may be subject to disciplinary action in accordance with the following categories of conduct, which are not intended to be either mutually exclusive or exhaustive.

**CATEGORY 1—These misbehaviors constitute minor infractions of school rules which cause little harm and minimal disruption.**

**The school principal, who believes a student has committed, attempted to commit, aided or abetted in the commission of, conspired to commit, or participated in any manner, even though unaccomplished, any of the following may assign the student to either In-School Suspension or Out-of-School Suspension. Chronic and/or aggravated offenses can lead to expulsion.**

**A. Disorderly Conduct**

***Examples of disorderly conduct include, but are not limited to:***

1. Running in hallways, classrooms, and other areas where running is inappropriate;
2. Making unreasonable noise;
3. Using language or gestures that are profane, lewd, vulgar, abusive or have negative racial, gender, religious implications, or that demean someone as a result of actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender, or sex;
4. Obstructing vehicular or pedestrian traffic;
5. Engaging in any willful act (which is not limited to but includes incitement/instigation of disorderly conduct), which disrupts the normal operation of the school community;
6. Trespassing – students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building;
  - a) Students are not allowed on school property when suspended from school, unless

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otherwise directed by an administrator, or requested to attend a scheduled meeting with an administrator, or attending the alternative to suspension program (INSS);

7. Loitering – lingering or hanging around on school property (ie: hallways, restrooms, fields, etc.) where one has no particular or legal purpose;
8. Misusing computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites, District/student records; or any other violation of the District's acceptable use policy (See Internet Safety Policy);
9. Possession of incendiary devices including matches and lighters.

#### **B. Insubordination**

***Examples of insubordinate conduct include, but are not limited to:***

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;
2. Tardiness, missing or leaving school without permission;
3. Skipping detention.

#### **C. Harassment**

***Examples of harassment include, but are not limited to:***

1. Using words, pictures, objects, gestures, electronic devices, or other actions to make fun of another or tease someone;
2. Acting so as to harass, annoy, threaten or alarm another person by pushing, shoving, bullying, cyber-bullying, or otherwise subjecting another person to physical contact, or attempting or threatening to do the same.

#### **D. False Identification**

***Examples of false identification include, but are not limited to:***

1. Refusing to provide identification when asked by school personnel;
2. Using another person's identification or false identification with the intent to deceive school personnel, or gaining access to another person's account;
3. Using another person's identification or false identification to obtain money/food or property.

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**E. Unauthorized use of Communication/Digital Devices and other Electronic Devices are prohibited.**

***Examples of electronic devices include, but are not limited to:***

- |                           |   |
|---------------------------|---|
| 1. Cell phones;           | 7. Video devices/camcorders;                        |
| 2. Camera phones;         | 8. Smart watches;                                   |
| 3. Laser pointers, etc.;  | 9. Headphones, earbuds, or other listening devices; |
| 4. iPods, iPads, Tablets; | 10. Vaporizers;                                     |
| 5. Video games;           | 11. E-Cigarettes;                                   |
| 6. Digital cameras;       |   |

Unauthorized use of any of the above items is a violation of the Code and will subject the student to disciplinary action.

**Communication/Digital Device** - Usage is prohibited to maintain a safe and positive school learning environment, unless authorized by a teacher for instructional purposes (limited to that class period).

- Communication/Digital Device possession at school is discouraged; however if brought, must be kept with the power off.

**Any Unauthorized Use of Communication/Digital Devices will result in the following actions:**

- Communication/Digital Device will be confiscated without debate or further incident, i.e., insubordination, etc.
- Said item(s) must be forwarded to the appropriate administrator. Parents/guardians will be notified and may be required to pick up confiscated item(s).
- \*Violations will be recorded in SchoolTool *Discipline History Report*.

Note: **The school is not responsible for lost or stolen items.**

**F. Academic Misconduct**

***Examples of academic misconduct include, but are not limited to:***

1. Plagiarism;
2. Cheating;
3. Copying;
4. Inappropriate use of the Internet;
5. Assisting another student in any of the above actions.

CODE OF CONDUCT**G. Misconduct on the Bus (See Section XXIII – Utica City School District Pupil Transportation Discipline Policy)**

*Examples of misconduct on the bus include, but are not limited to:*

- |                           |   |
|---------------------------|---|
| 1. Excessive noise;       | 5. Arguing;                             |
| 2. Pushing and shoving;   | 6. Being out of seat;                   |
| 3. Using vulgar language; | 7. Defacing or destroying bus property. |
| 4. Throwing objects;      |   |

***Chronic violations may result in additional consequences.***

**CATEGORY 2—Misbehaviors included at this level are frequent and/or serious enough to disrupt the learning climate of the school and affect the students' own ability to learn. These include behaviors which may cause lasting harm to the misbehaving student or which may threaten the health, safety, or emotional well-being of others in the school.**

**Upon investigation, the school principal who believes a student has committed, attempted to commit, aided or abetted in the commission of, conspired to commit, or participated in, even though unaccomplished, any of the following may assign the student an In-School or Out-of-School Suspension. Chronic and/or aggravated offenses can lead to a Superintendent's Hearing, Superintendent's Hearing Waiver, or expulsion.**

**A. Destruction/Vandalism/Defacement of Property**

*Examples of destruction of property include, but are not limited to:*

1. Intentionally damaging (including graffiti) or destroying the personal property of a student, teacher, administrator, or other District employee or any person lawfully on school property;
2. Damaging or destroying District property;
3. Spray-painting surfaces.

**B. Conduct Endangering the Safety, Morals, Health or Welfare of Others**

*Examples of such conduct include, but are not limited to:*

1. Theft of the property of other students, school personnel or any other person lawfully on school property or attending a school function;
2. Possession of stolen property;
3. Defamation, which includes making false or unprivileged 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 a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex;

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5. Bullying – threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex;
6. Cyber-bullying – means a course of conduct or repeated acts of abusive behavior by communicating through electronic means, with a person anonymously or otherwise over a period of time committing such acts as, but not limited to, taunting, insulting, humiliating, harassing, menacing, sending hate mail or embarrassing photographs;
7. Harassment, as defined in Section II of the Code of Conduct, labeled “Definitions” which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning;
8. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm. It should be noted that K-2 students that make threats to kill or bring weapons to school will be referred to the school social worker and/or psychologist to determine the child’s cognitive ability to understand the severity of the incident;
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliation with or maintenance of membership in any school sponsored activity, organization, club or team;
10. Taking pictures, videotaping, disseminating, selling, using or possessing obscene (sexual in nature) or inappropriate material, including, but not limited to acts of violence, or drug use;
11. Using vulgar or abusive language, cursing or swearing toward school personnel;
12. Smoking a cigarette (including electronic smoking devices), cigar, pipe or using nicotine, chewing or smokeless tobacco;
13. Gambling;
14. Hitting, kicking, striking, fighting or instigating/inciting a fight in school, on school grounds, on the bus, at the bus stop, and school sponsored events;
15. Negligent operation of a motor vehicle on school grounds so as to endanger the property, safety, health, and/or welfare of others;
16. Spitting (Gleeking);
17. Possessing material deemed unnecessary/inappropriate by the building administrator; i.e. bullet/bullet casing;
18. Being under the influence of or possessing “illegal substances as defined in Section II.M”;
  - a) The only medications allowed on school grounds are those prescribed by a physician, and, unless otherwise authorized by the building administrator, are kept in the nurse’s office and administered under the nurse’s direction.
19. Inappropriately using, sharing or selling over-the-counter drugs.
20. Using incendiary devices including matches and lighters.



CODE OF CONDUCT**C. Fraud**

***An example of fraud includes, but is not limited to:***

1. Deceiving another by false or misleading information in order to obtain anything of value;
2. Altering records;
3. Misusing computer/electronic communications, including any unauthorized use of computers, passwords, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the District's acceptable use policy. (See Internet Safety Policy)

**D. Forgery**

***An example of forgery includes, but is not limited to:***

1. Signing the name of another person for the purpose of defrauding school personnel or the Utica City School District.

**E. Sexual Harassment**

***Examples of sexual harassment include, but are not limited to:***

1. Using words, pictures, objects, gestures, or other actions that make fun of another person or teasing or bullying someone because of one's actual or perceived: Gender, sexual orientation, or sexual identity.

**F. Chronic Insubordination**

***Examples of chronic insubordination include, but are not limited to:***

1. Repeatedly failing to comply with the reasonable directions of teachers, school administrators or other District employees in charge of students or otherwise demonstrating disrespect;
2. Repeatedly being tardy for school, being illegally absent from school, or leaving school without permission;
3. Repeatedly skipping detention.

***Chronic violations may result in additional consequences as per incident details.***

**CATEGORY 3 – Zero Tolerance – Except for unmodified Category 2 behavior, the acts listed at this level are clearly criminal.**

**Upon investigation, the school principal who believes a student has committed, attempted to commit, aided or abetted in the commission of, conspired to commit, or participated in, even though unaccomplished, any of the following will immediately suspend the student from school for five (5) school days. Within twenty-four (24) hours the student's parents/guardians will be notified of the suspension and the underlying reasons for the suspension. Preferably prior to the conclusion of the five (5) school day suspension but no later than ten (10) school days, the student will receive a Superintendent's Hearing or Superintendent's Hearing Waiver and, upon conclusion of such hearing, be recommended to any of the District's Alternative Education Programs for more than five (5) days or expelled as the case may be. The principal will immediately notify the police when a crime is committed.**

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### **A. Violent Conduct**

***Examples of violent conduct include, but are not limited to:***

1. Committing, threatening, or attempting to commit an act of violence upon a teacher, administrator or other District personnel;
2. Committing, threatening, or attempting to commit an act of violence upon another student or any other person lawfully on school property;
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
4. Displaying what appears to be a weapon;
5. Threatening the use of any weapon;
6. Retaliating for a prior incident involving another student or District personnel.

### **B. Possession of Drugs and/or Alcohol**

***Examples of possession of drugs and/or alcohol include, but are not limited to:***

1. 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, synthetic marijuana or cannabinoids, including but not limited to items labeled as incense, herbal mixtures or potpourri, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs";
2. Possessing drug paraphernalia;
3. Inappropriately using, sharing or selling prescription drugs.
  - a) The only medications allowed on school grounds are those prescribed by a physician, and, unless otherwise authorized by the building administrator, are kept in the nurse's office and administered under the nurse's direction.

### **C. Conduct Endangering the Safety, Health or Welfare of Others**

***Examples of such conduct include, but are not limited to:***

1. False fire alarm, bomb report, or tampering with the fire alarm system. Unless an emergency exists, a student will not willfully sound a fire alarm or cause a fire alarm to be sounded, nor will a student falsely communicate or cause to be communicated that a bomb is located in a building or on the premises of a building owned by the Utica City School District. These acts are prohibited irrespective of the whereabouts of the student. A student will not destroy, damage or otherwise tamper with a fire alarm system in a school building;
2. Misusing 911;
3. Arson;
4. Discharging a fire extinguisher;
5. Robbery. A student will not take nor attempt to take from another person any property

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- by force or threat of force, expressed or implied;
6. Extortion. A student will not make another person do any act against a person's will by force or threat of force, expressed or implied;
  7. Possessing/using fireworks and/or explosives;
  8. Breaking and entering. A student will not force their way into a locked school area (including desks or lockers) or a locked school building;
  9. Sexual misconduct. Examples of sexual misconduct include but are not limited to:
    - a) Intentionally touching the private body parts of another;
    - b) Behaving in an unacceptable way with respect to one's own private body parts;
    - c) Indecent exposure, that is, exposing the private parts of the body in a lew or indecent manner;
    - d) Photographing/filming acts of sexual misconduct;
    - e) Sexting.
  10. Felonies. Murder, voluntary or involuntary manslaughter, felonious assault, rape, sexual assault, or violent behavior harmful to another.
  11. Participating in and/or inciting a riot/disorderly conduct.

#### ***Chronic violations may result in additional consequences.***

In addition to the preceding standards of conduct, the District prohibits discrimination and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse. We consider a hostile environment to be created when actions or statements directed at a student either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or with the student's mental, emotional, or physical well-being including conduct that reasonably causes or would reasonably be expected to cause emotional harm, or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety.

This prohibition applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The prohibition of discrimination includes, but is not limited to, threats, intimidation, or abuse based on the student's actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex.

## **VI. Age Appropriate Restatement of Policy**

You should never feel that it is unsafe to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex, or any other reason.

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You may not treat other students in a way that makes them feel threatened, unsafe, or unable to concentrate on their school work, because of what you think about their race, color, weight, national origin (where their family comes from), ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex, or any other reason. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

**VII. Reporting and Responding to Violations****A. Reporting Possible Violations**

All students must promptly report violations of the Code of Conduct to a teacher, guidance counselor, security, support staff, the building principal or the principal's 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, security, support staff, the building principal, the principal's designee the Superintendent, or the Superintendent's designee. Any student hearing of threats to individuals or groups is required to report the threat to the responsible school personnel.

The principal or the principal's designee will gather the necessary information to determine whether a crime was committed. Any weapon, alcohol or illegal substance shall be confiscated. If it has been determined that a crime has been committed, the appropriate law enforcement agency will be contacted immediately, followed by notification to the parents/guardian of the student(s) involved. These procedures should be followed in all circumstances except in reporting "child abuse in an educational setting" where the procedures for reporting such incidents are set forth in the statute.

All District personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District personnel who are not authorized to impose disciplinary sanctions must 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.

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

The building principal or the principal's designee must notify the appropriate local law enforcement agency and parent(s) 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 the principal's designee learns of the violation. The notification to the parent(s) may be made by telephone, followed by a letter mailed or delivered by the next business day after the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime. Parents are entitled to an informal conference with the building principal or designee to discuss the code of conduct violation. Parents will be notified, in writing of dispositions resulting in an In-School or Out of School Suspension including the right to an informal conference.

**B. No Retaliation for Reporting**

No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of this Code.

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### **Crimes Reported to Local Law Enforcement Agencies**

1. **Threats** – Conduct or words indicating a threat of bodily harm to an individual or group of individuals by use of a firearm or dangerous weapon;
2. **Possession** – Illegal substances, firearms or weapons;
3. **Sexual Abuse** – Any behavior involving inappropriate sexual misconduct;
4. **Arson** – Conduct involving the intentional starting of a fire and causing property damage;
5. **Assault** – All cases involving an assault where medical attention was required and/or the use of a dangerous weapon was involved;
6. **Robbery** – Conduct involving the taking of property by force or threat of force;
7. **Burglary** – Conduct involving the entering or remaining unlawfully on school property with the intent to commit a crime thereon;
8. **False Fire Alarm or Bomb Report;**
9. **Theft/Larceny;**
10. **Criminal Trespass.**

### **C. VADIR Reporting**

A Uniform Violent and Disruptive Incident Reporting System (“VADIR”), requires school Districts to submit an annual report to SED on violent and disruptive incidents that occur on school property.

### **D. Responding to Reports of Possible Harassment or Discrimination**

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, the District provides a procedure for responding to reports of possible discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the District’s Equal Opportunity and Nondiscrimination Policy.
2. The District has also designated a DASA Coordinator for each school. Those coordinators are:  
  
Building Administrator, Brent Dodge, Albany Elementary, 315-368-6500  
Building Administrator, Elizabeth Gerling, Columbus Elementary, 315-368-6520  
Building Administrator, Heather Galinski, Conkling Elementary, 315-368-6815  
Building Administrator, Michele Cotter, General Herkimer Elementary, 315-368-6600  
Building Administrator, Mary Belden, Hughes Elementary, 315-368-6620  
Building Administrator, Tricia Norton, Jefferson Elementary, 315-368-6700  
Building Administrator, Tricia Hughes, Jones Elementary, 315-368-6740  
Building Administrator, Dominick Timpano, Kernan Elementary, 315-368-6760  
Building Administrator, Jennie Sikora, M.L. King Elementary, 315-368-6720  
Building Administrator, Cheryl Minor, Watson Williams Elementary, 315-368-6780  
Building Administrator, Ann Marie Palladino, Donovan Middle School, 315-368-6541  
Building Administrator, Colin Clark, JFK Middle School, 315-368-6641  
Building Administrator, Kenneth Szczesniak, Proctor High School, 315-368-6404

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The DASA Coordinators are trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) and sex. They are available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experienced treatment that may be prohibited discrimination or harassment actual or perceived.

**VIII. Discipline Guidelines**

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 to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

- A. The student's age;
- B. The nature of the offense and the circumstances, which led to the offense;
- C. The student's prior disciplinary record;
- D. The effectiveness of other forms of discipline;
- E. Information from parents/guardians, teachers and/or others, as appropriate;
- F. Other extenuating circumstances.

As a general rule, discipline will be progressive, unless the behavior poses a serious threat or endangerment. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. This does not include zero tolerance offenses.

Responses to acts of harassment, bullying, and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as intervention and discipline. Consideration will be given based on the nature and severity of the conduct, the developmental age of the student engaging in the conduct, the actor's prior disciplinary record, and the impact of the conduct on the student to whom it was directed.

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 Section XV – Discipline of Students with Disabilities. A student's disability shall be considered prior to any disciplinary actions.

**IX. Discipline Consequences**

Students who are found to have violated the District's Code of Conduct will be subject to the following consequences, either alone or in combination. The personnel identified after each consequence is authorized to impose that consequence, consistent with the student's right to due process:

1. **Verbal Warning** – any District Personnel;

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2. **Written Warning** – Bus Drivers, Hall and Lunch Monitors, Teaching Assistants, Food Service Workers, Coaches, Guidance Counselors, Teachers, Assistant Principal, Principal, Superintendent;
3. **Written Notification to Parent** – Coaches, Guidance Counselor, Teachers, Assistant Principal, Principal, Superintendent;
4. **Time Out** – Teachers, Assistant Principal, Principal, Superintendent;
5. **Detention (i.e. lunch, recess, afterschool, etc.)** – Teachers, Assistant Principal, Principal, Superintendent;
6. **Suspension from Transportation** – District’s Director of Transportation, Principal, Superintendent;
7. **Suspension from Athletic Participation** – Coaches, Principal, Athletic Manager, Superintendent;
8. **Suspension from Social or Extracurricular Activities** – Activity Advisor, Principal, Superintendent;
9. **Suspension of Other Privileges** – Principal, Superintendent;
10. **Removal from Classroom** – Teachers, Assistant Principal, Principal;
11. **In-school Suspension** – Principal, Superintendent;
12. **Short-term (five days or less) Suspension from School** – Principal, Superintendent, Board of Education;
13. **Long-term (more than five days) Suspension from School** – Superintendent and/or the Superintendent’s designee, Board of Education;
14. **Permanent Suspension from School** – Superintendent, Board of Education.

**X. Discipline Procedures**

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence 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 consequence in connection with the imposition of the penalty.

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

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### **A. Detention**

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

### **B. Suspension from Transportation**

1. Transportation to and from school by bus is a privilege. If students do not conduct - themselves properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal, the Superintendent or designee. In such cases, the student's parent will become responsible for seeing that the child gets to and from school safely. Should the suspension from transportation result in a student being unable to attend school, the District will make appropriate arrangements to provide for the student's education.
2. 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 building principal or the principal's designee to discuss the conduct and the consequence involved.

### **C. Suspension from Athletic Participation, Extracurricular Activities and Other Privileges**

1. A student subjected to a suspension from athletic participation, extracurricular 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 consequence involved.

### **D. In-school Suspension**

1. The Board of Education recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in the in-school suspension program.
2. 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 consequence involved.

### **E. Teacher Disciplinary Removal of Disruptive Student**

1. A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to:



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- a) Assigning a student to short-term supervised alternative setting;
  - b) 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.
2. On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.
- a) A classroom teacher may remove a disruptive student from class for up to two (2) periods in the secondary schools and two (2) hours in the elementary schools. In schools where block scheduling is being utilized, two (2) periods are equal to one block. 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 an explanation for why the student is being removed and an opportunity for the student to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. A brief written notification should be sent with the student to the administrator.
  - b) If the student poses a danger or ongoing threat of disruption, the teacher may order the student removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events by the end of the following school day. The teacher must also notify the principal or the principal's designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal. If the principal or designee is not available by the end of the school day, the teacher must leave notification with the secretary and meet with the principal or the principal's designee before the beginning of classes on the next school day.
  - c) The principal or his/her designee shall inform the parent of the student's removal from the classroom by the end of the following school day. Upon request, the student and the parent shall be given the opportunity for an informal conference with the principal or his/her designee, and the teacher. If the student denies the charges, the principal or designee shall give the student and the parent the opportunity to present the student's version of the events within 48 hours of the student's removal. The principal or designee shall not set aside the charges and discipline imposed by the teacher unless it is found that the charges against the student are not supported by substantial evidence or that the student's removal is otherwise in violation of law or the conduct warrants suspension from school pursuant to Education Law §3214. The principal or designee's determination in this regard shall be made by the close of business on the day succeeding the 48-hour period for an informal hearing.

**F. Suspension from School**

1. Suspension from school is a severe consequence, 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 building principals and the Superintendent.

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2. All District personnel must immediately report and refer a violent student to the principal, the principal's designee, the Superintendent, or the Superintendent's designee for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. The principal or Superintendent, 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.

**XI. Due Process Procedures for Suspension****A. Short-term (5 days or less) Suspension from School**

A student facing an out-of-school suspension is entitled to the following procedures before suspension unless the student's presence in the school poses a danger to people, property, or an ongoing threat of disruption to the education process. After concluding an investigation, the administrator should:

1. Notify the student of the reason(s) for the intended suspension, including all rules violated;
2. Inform the student of the evidence as presented by the referring party;
3. Give the student a reasonable opportunity to tell his/her side of the story;
4. Review the evidence to determine if it is sufficient to establish that the student violated the rule(s) for which the student was charged;
5. Determine the appropriate disciplinary action;
6. Inform the student of the disciplinary action that will be imposed. If suspension is determined to be appropriate, the administrator will provide a written copy of this notice to the parent by the end of the following school day of the administrators' decision to suspend. The notice of suspension must include the following:
  - a) The reason(s) for the suspension;
  - b) The duration of the suspension;
  - c) Notice of the right to appeal the action to the Superintendent or his or her designee;
  - d) Notice of the right to appeal to the Board of Education;
  - e) Notice of the right of appeal to the State Education Commissioner.
7. Notify a parent or guardian of the action taken prior to sending their child home.

**B. Long-term (more than 5 days) Suspension from School**

1. When a student receives an out-of-school suspension in excess of five (5) school days, the Superintendent of Schools or the Superintendent's designee will conduct a hearing on such suspension. Prior to the hearing, the student/parent will be given written notice of such suspension including the violations which resulted in the suspension. The student will be entitled to respond to and present defenses to the violations at the hearing. The student may question witnesses, present evidence or present witnesses on the student's behalf. The student may be represented by counsel at such hearing. Such hearing will be recorded verbatim. At the hearing, the Superintendent or the Superintendent's designee (Hearing

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Officer) will do the following:

- a) Notify the student of the reason(s) for the intended suspension, including all rules violated;
- b) Receive evidence as presented by the referring party;
- c) Give the student a reasonable opportunity to tell their side of the story;
- d) Review the evidence to determine if it is sufficient to establish that the student violated the rule(s) for which they are being charged and present witnesses or evidence in the student's defense;
- e) Make recommendations to the Superintendent as to an appropriate disciplinary action, which may be an extended out-of-school suspension, alternative education or any action deemed appropriate;

In lieu of a Superintendent's Hearing, a school District may utilize a process whereby students who face a suspension in excess of five days, may, together with their parents/guardians, elect to accept the District's proposed disposition without a hearing. (Identified as a Superintendent Hearing Waiver)

2. Only the Superintendent or the Superintendent's Hearing Officer may suspend a student for a period longer than five (5) days. Students who are suspended for a period greater than five (5) days and who are of compulsory school age shall be mandated to Alternative Education Program equivalent in nature to that provided in the student's regular classes. Under some circumstances Home Tutoring will be considered an alternative program.

Notwithstanding the above, students not of compulsory school age who violate the District's Code of Conduct regarding dangerous weapons/objects shall be permanently suspended. The Superintendent, or Superintendent's designee may modify such suspension on a case-by-case basis.

Any appeal of the recommendation of the Superintendent's Hearing Officer must be submitted, in writing, within 10 calendar days. The decision of the Superintendent of Schools may also be appealed to the Board of Education, in writing, within 10 calendar days. The determination of the Board of Education, whether by affirmative action or inaction on the appeal, may be appealed to the New York State Commissioner of Education within thirty (30) calendar days of the Board appeal date.

## **XII. Minimum Periods of Suspension**

### **A. Students Who Bring a Weapon to School**

Any student of compulsory school age other than a student with a disability, found guilty of bringing a weapon onto school property may be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the following:

1. The student's age;
2. The student's grade level in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;

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5. Input from parents/guardians, teachers and/or others;
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**B. 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 onto school property, shall be subject to suspension from school for at least five days. If the proposed consequence is the minimum five-day suspension, the student and the student's parents/guardians 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 consequence exceeds the minimum five-day suspension, the student and the student's parents/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

The Superintendent or the Superintendent's Hearing Officer has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**C. Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interfere with the Teacher's Authority Over the Classroom**

Any student, other than a student with a disability, who is repeatedly substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may 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 Educational Law §3214 (3-a) and this Code on four or more occasions during a semester.

If the proposed consequence 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 consequence 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 consequence, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**XIII. Referrals****A. 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 they require supervision and treatment by:

1. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
2. 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;

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3. Knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.

**B. Juvenile Delinquents and Juvenile Offenders**

The Superintendent or the Superintendent's designee is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court any student under the age of 16 who is found to have brought a weapon to school, except any student 16 or 17 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42). The Superintendent is required to refer students age 16 and older who qualify for juvenile offender status to the appropriate law authorities.

**XIV. Alternative Instruction**

When 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.

**XV. Discipline of Students with Disabilities**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever 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 law and regulations.

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

1. For the purposes of this section of the Code of Conduct, the following definitions apply:
  - a) A "**Suspension**" means a suspension pursuant to Education Law §3214;
  - b) A "**Removal**" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an Impartial Hearing Officer because the student poses a risk of harm to himself or herself or others;
  - c) An "**Interim Alternative Educational Setting (IAES)**" means a temporary educational placement for a period of up to 45 school days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
2. School personnel may order the suspension or removal of a student with a disability from the student's current educational placement as follows:
  - a) The Board, the Superintendent or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not

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- to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior;
- b) The Superintendent or designee may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (b) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled student would be subject to suspension for the same behavior;
  - c) The Superintendent or designee may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement;
  - d) The Superintendent or designee may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sell or solicits the sale of a controlled substance while at school or a school function, or inflicts serious bodily injury.
    - i. **“Weapon”** means the same as “dangerous weapon” under 18 U.S.C. §930 (g) (w) which includes “a weapon, device, instrument, material or substance, animate or inanimate that is used for, or is readily capable of causing death or serious injury;
    - ii. **“Controlled Substance”** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy;
    - iii. **“Illegal Drugs”** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
    - iv. **“Serious bodily injury”** means a body injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  - e) Subject to specified conditions required by both federal and state law and regulations, an Impartial Hearing Officer may order the placement of a student with a disability in an IAES setting for up to 45 school days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

**B. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - a) For more than 10 consecutive school days; or
  - b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

**C. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The building principal must ascertain if (pending review by CSE) the student is a disabled student or is suspected of having a handicapping condition prior to disciplining a student with a suspension.
2. If a student is disabled, the principal needs to contact the Department of Special Education and arrange for a Manifestation Determination Hearing to be scheduled in conjunction with a Superintendent's Hearing. (A referral is concurrently sent to CSE.)
3. The Superintendent's Hearing is held and recommendation made. The Superintendent's Hearing is adjourned and its findings reported to CSE. The Manifestation Determination – CSE meeting is then held to determine the relationship between a student's disability and the behavior (Education Law 3214 Section 201.4).
4. Arrangements must be made for the provision of Special Education services for a student with a disability suspended 1-10 school days. These services are provided just as are services for non-disabled students. Students are to attend an after school program (if available). Instruction is provided by ~~the~~ professional staff that communicates with the teacher of record to follow through with lesson plans, assignments, and IEP goals.
5. If the Manifestation Determination is that the behavior was not a result of the student's disability, the student can be disciplined the same as a non-disabled student.
  - a) If the CSE recommends a change in placement, all accompanying procedural safeguards will be put in place;
  - b) The CSE has responsibility to address the child's behavior in situations where the child's behavior is impacting their ability to learn, or that of others. Strategies, including positive behavioral interventions and supports to address the behavior need to be put in place. The CSE sends consent for a Functional Behavior Assessment (FBA), or modifies as appropriate, an existing FBA
6. If the Manifestation Determination is that the behavior was a result of the student's disability, the Superintendent's Hearing Officer is required to dismiss the charges and rely on the determination of the CSE if any modification to the IEP is required to provide F.A.P.E. (Free and Appropriate Public Education).
  - a) If the Manifestation Determination finds that the behavior was a result of a disability but involved serious bodily injury, weapon(s), illegal drugs or controlled substances, the Superintendent's Hearing Officer may recommend a change in placement to an IAES be made by the CSE;
  - b) The student placed in an IAES will be provided services as described on the IEP. The IEP is delivered to the IAES provider.
7. When the Utica City School District is faced with a student with a disability who is considered likely to injure themselves or others, the District will seek an Expedited Hearing

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before an Impartial Hearing Officer.

8. If an expedited evaluation is needed, it is conducted by the District's professional staff as ordered by the Special Education administration or CSE chairperson. This must be completed within 15 school days and a CSE meeting held no later than five school days after completion of the expedited evaluation (Education Law 3214 Section 201.6) (b).

**XVI. Corporal Punishment**

- A. 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 prohibited. Such term, as used in this section, shall not mean the use of reasonable physical force for any of the following purposes:
  1. To protect oneself from physical injury;
  2. To protect another pupil or teacher or any other person from physical injury;
  3. To protect the property of the school or of others;
  4. To restrain or remove a pupil whose behavior is interfering with the orderly exercises and performance of school District functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in clauses (1) through (4) of this subparagraph.

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

**XVII. Child Protective Services Investigations**

- A. Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.
- B. All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify allegations, the school nurse or the principal or his or her designee 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 the principal or the principal's designee of the opposite sex.
- C. A Child Protective Services worker may not remove a student from school property without a court order, unless the worker believes that the student would be subject to danger of abuse if the student was not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent upon the principal or designee's notification to the District's Head of Security.



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The Board of Education encourages parents/guardians and other District citizens to visit the District's schools to observe the work of students, teachers and other District personnel. Visitation to school grounds, meetings with District personnel, or attendance at functions on school grounds is a privilege conditioned upon courteous, civil behavior. Since schools are a place of work and learning, certain limits must be set for such visits. In accordance with New York State Law, all visitors must report to the security desk to request permission to visit anyone. Visitors may be required to show identification. The building principal or the principal's designee is responsible for all persons in the building and on the grounds. The principal or the principal's designee is authorized to set limits for visitors' attendance and, where appropriate, to revoke the privilege of attendance. For these reasons, the following rules apply to visitors to the schools:

- A. Anyone who is not District personnel or a student of the school will be considered a visitor;
- B. All visitors to the school must report to the security desk upon arrival at the school and seek permission to visit the school. Visitors may be required to show identification. If permission is given, 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 to the main office/security desk to sign out before leaving the building;
- C. Parents/Guardians or citizens who wish to visit while school is in session are required to obtain permission from the building principal and arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to minimum and confidentiality is maintained. Teachers are not to take class time to discuss individual matters with visitors;
- D. Any unauthorized person on school property will be reported to the principal or the principal's designee. Unauthorized persons will be asked to leave and may be prosecuted for trespass upon their failure to comply. Additionally, persons who have had their permission to be on school grounds revoked will be prosecuted for unauthorized trespass on school grounds;
- E. All visitors are expected to abide by the rules for public conduct on school property contained in this document.

**XIX. In-Service Education Programs**

At the start of each school year, the District shall provide all staff with in-service education regarding District policy for conduct on school grounds and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

**XX. Public Conduct on School Property**

- A. The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel; parents/guardians and community members;
- B. 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

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purpose of this Code is to maintain public order and prevent abuse of the rights of others;

- C. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired.

**XXI. Prohibited Conduct**

No person, either alone or with others, shall:

- A. Intentionally injure any person or threaten to do so;
- B. Intentionally damage or destroy through graffiti, arson, or other means any District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property;
- C. Disrupt the orderly conduct of classes, school programs or other school activities;
- D. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
- E. Discriminate against and/or harass others based on actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender (including gender identity or expression) or sex;
- F. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
- G. Obstruct the free movement of any person in any place to which this Code applies;
- H. Violate the traffic laws, parking regulations or other restrictions on vehicles;
- I. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, unauthorized over the counter medications, or be under the influence of any of the above, while on school property or at a school function;
- J. Possess, use weapons, or threaten to use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school District;
- K. Loiter on or about school property;
- L. Gamble on school property or at school functions;
- M. Smoke or use tobacco or nicotine products including electronic smoking devices on school property;
- N. Refuse to comply with any reasonable order from identifiable District officials performing their duties;
- O. Willfully incite others to commit any of the acts prohibited by this Code of Conduct;
- P. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

CODE OF CONDUCT**XXII. Dissemination and Review of the Code of Conduct**

- A.** The Board of Education will work to ensure that the community is aware of this Code of Conduct by:
1. Providing copies of a summary of the Code of Conduct to all students in an age appropriate version, written in plain language, at a general assembly held at the beginning of each school year;
  2. Making copies of the Code of Conduct available to all parents/guardians at the beginning of the school year; and throughout the year on the District web page, [www.uticaschools.org](http://www.uticaschools.org);
  3. Providing by mail, a plain language summary, translated into the most common languages spoken, of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request and throughout the year on the District web page, [www.uticaschools.org](http://www.uticaschools.org) ;
  4. Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment, and throughout the year on the District web page;
  5. Making complete copies of the Code of Conduct available for review by students, parents/guardians or persons in parental relation to students, other school staff, and community members;
  6. Providing training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity for All Students Act (DASA), including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or school employees;
  7. Providing “safe and supportive school climate concepts” in the District curriculum.
- B.** The Board of Education or its designee will sponsor an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct. The Superintendent or designee may solicit the recommendations of the District staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.
- C.** The Board of Education will review this Code of Conduct every year and update it if 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.
- D.** The Board of Education may appoint an advisory committee to assist in reviewing the Code and the District’s response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.
- E.** The Board of Education shall approve any substantive revisions to the Code of Conduct after holding at least one public hearing that provided for the participation of school personnel, parents, students and any other interested parties. Absent any substantive revisions, the Board of Education shall approve the Code of Conduct at its annual reorganization meeting.
- F.** The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

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- G.** The District shall develop and implement a program of instruction in grades Kindergarten through 12 that supports development of a school environment free of harassment, bullying, and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying, and/or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. This component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

**XXIII. Utica City School District-Pupil Transportation Discipline Policy**

The Transportation of Students Policy 5400 for the Utica City School District provides for safe and reliable transportation for all students that require transportation to and from school. The safety of our students, drivers and our monitors is our highest priority and we thank those parents/guardians and students that respect and adhere to the discipline policy.

We would like to remind parents/guardians and students that transportation is a privilege of the student, not a right, and that the school District is not mandated to provide transportation. Pupil actions and behavior will be addressed in relation to the severity and frequency of the misconduct. The Utica City School District's Code of Conduct extends to the transportation system of the District. Continued misconduct will result in the removal of bus privileges.

The Board of Education recognizes that certain students with disabilities may have certain procedural protections whenever school authorities intend to impose disciplinary measures upon them. The Board is committed to ensuring that the disciplinary procedures are consistent with the procedural safeguards required by the applicable laws and regulations as well as with the Utica City School District's Code of Conduct, Section XV

**SECTION I - Transportation Rules of Conduct****A. Rules of pupil conduct for boarding and departing**

1. Pupils must wait for the bus in an orderly manner at the stop assigned.
2. Pupils must board the bus in a single file.
3. Pupils must enter and leave the bus through the service door, single file and at their assigned stop.
4. Emergency doors must be used ONLY during emergencies and safety drills.
5. Pupils who cross the street must cross ten (10) feet in front of bus upon a signal from the bus driver.
6. Pupils must look both ways before crossing the street.

**B. Rules of pupil conduct on the bus**

1. Pupils must obey the bus driver and/or monitor.

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2. Pupils must remain seated in assigned seats while the bus is in motion.
3. Pupils must not eat, drink, or litter on the bus (this includes gum, candy, or other food).
4. Pupils must not mark or damage the bus in any way.
5. Pupils must not make loud or unnecessary noises on the bus.
6. Pupils must not extend any part of the body out of the bus window.
7. Pupils are discouraged from possessing and using electronic devices which could create a distraction for the bus driver and/or endanger the safety of others.  
*Bus drivers have the right to confiscate these items. Parents/guardians may be required to pick up confiscated items at the bus garage. The school/District is not responsible for the loss or damage of these items if brought on the bus or to school.*
8. Cell phone use is prohibited. Cell phone possession on the bus is discouraged. However, if brought, it must be kept with the power off.
9. Pupils must not interfere with the operations of the bus.
10. Pupils must not use language or other gestures that are profane, lewd, vulgar, abrasive, or have race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sexual identity, gender or sex implications.
11. Pupils must take the bus to which they are assigned to and from school and must enter and exit the bus at their assigned stop unless prior permission is given.
12. Trespassing – pupils are not allowed on the bus, other than the one that they are assigned to, without permission of the administrator in charge of the building or the Director of Transportation.

### **SECTION II - Disciplinary procedures**

If there is a significant time lapse (one marking period or more) between offenses, the principal may use their discretion to modify disciplinary procedures.

#### **A. Progressive Discipline**

**The procedures for progressive discipline are as follows:**

First offense: The school principal/designee and/or transportation supervisor for the District will be notified using a School Bus Incident Report and parents/guardians will be notified with the School Bus Incident Report.

Second offense: The school principal or designee will confer with the pupil regarding the reported misconduct. The pupil's parent/guardian will be contacted and advised of the action as indicated on the Parent/Guardian copy of the School Bus Incident Report. An incident report will be mailed to the home. The school principal/designee will confer with the pupil regarding the reported misconduct.

Third offense: Automatic suspension from the bus: 3 days  
The parent/guardian is informed as indicated on the School Bus Incident Report form in the event of the suspension of bus privileges, including the effective date and the duration of the suspension. The

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transportation office shall also be informed. It will be the responsibility of the parent/guardian to provide the student with transportation to and from school during the period of suspension of bus privileges.

Fourth offense: Automatic suspension from the bus: minimum 4 days

Meeting with the bus garage supervisor, principal/designee and parent/guardian may be held upon request before the student is allowed back on the bus. It will be the responsibility of the parent/guardian to provide the student with transportation to and from school during the period of suspension of bus privileges.

Fifth offense: Automatic suspension from the bus: minimum 5 days

Meeting with the bus garage supervisor, principal/designee and parent/guardian may be held upon request before the student is allowed back on the bus. It will be the responsibility of the parent/guardian to provide the student with transportation to and from school during the period of suspension of bus privileges.

Sixth offense: Automatic suspension from the bus: up to the remainder of the year

A mandatory meeting with the bus garage supervisor, principal and parent/guardian will be held to discuss the possible suspension for an extended period of time. It will be the responsibility of the parent/guardian to provide the student with transportation to and from school during the period of suspension of bus privileges.

#### B. Automatic Bus Suspensions

The following will result in automatic suspension from the bus for at least 5 days:

Any action that endangers the health, welfare or safety of the students, drivers or monitors may result in the automatic suspension of bus privileges. The principal/designee will confer with the transportation officials in determining the severity of the offense. These actions include, but are not limited to, the following:

1. Fighting;
2. Inappropriate physical contact;
3. Violence;
4. Any sexual contact or sexual harassment;
5. Throwing objects in or outside of the bus;
6. Opening or jumping out of the emergency back door;
7. Possessing a weapon;
8. Possessing drugs, drug paraphernalia or alcohol;
9. Any threat to the health or welfare of others;
10. Any physical damage to the bus.

Additional consequences may arise subject to the District's Code of Conduct, such as suspension or expulsion from school.

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**SECTION III - Parental Responsibilities**

1. It is the parents'/guardians' responsibility to insure that the pupils get to the assigned stops at the assigned times.
2. It is the parents'/guardians' responsibility to notify the school and the bus garage of any change of address, phone number and/or change in school of attendance.  
**NOTE:** It may take up to 5 days to arrange the route change.
3. It is the parents'/guardians' responsibility to notify the bus garage of any change in circumstances that may affect the transportation of their child to/from school.
4. It is the parents'/guardians' responsibility to provide transportation if the student is suspended from the bus.
5. Unauthorized persons, including parents/guardians, are NEVER allowed to board or enter the bus.
6. Authorized persons, including parents/guardians, must abide by the District's Code of Conduct Section XX: Public conduct on school property.

**XXIV. Elementary and Secondary Education Act – School Safety**

**A. Other Statutes**

Several legislative initiatives were adopted to address the issue of school safety. In New York, the most significant legislation was the Safe Schools Against Violence in Education Act ("Project Save"), the related Violent and Disruptive Incident Reporting ("VADIR") System, and the Dignity for All Students Act (DASA).

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Utica City School District  
Adopted: 08/28/12  
Revised: 06/25/13, 05/05/15, 05/03/16, 5/2/17, 5/1/18, 3/28/19, 4/28/20