



CODE OF CONDUCT

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Superintendent of Schools

www.buffaloschools.org

“Putting Children and Families First to Ensure High Academic Achievement for All”

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Directory of Support Services

If a student or parent needs assistance or services beyond the school, the following offices may be helpful:

Attendance Support Center.....	816-3806	Language Assessment.....	816-3717 ext. 5
Board of Education		Special Education	816-3060 ext.1
Switch Board Operator.....	816-3500	Security	816-3707
Guidance and Counseling.....	816-3702	Student Placement.....	816-3717
Health Impaired.....	816-3632	Student Support Services.....	816-3547
Home Instruction.....	816-3624	Superintendent’s Office.....	816-3575
	816-3632		

TO REPORT STUDENTS NOT ATTENDING SCHOOL

Contact the
ATTENDANCE SUPPORT CENTER
at
816-3806

INTRODUCTION

The Board of Education is committed to providing a safe and orderly school setting where students may receive and District personnel may deliver quality educational services without disruption or interference. The Board of Education recognizes that appropriate behavior and self-disciplined conduct is essential to maintaining a positive and enriching learning environment.

Teachers, administrators and other BPS staff serve as role models in the School District toward instilling positive characteristics. It is expected that students will be respectful to adults and to each other at all times. Furthermore, these lessons should be modeled by staff and taught by parents and guardians in the home and school community.

It is the goal of the School District to provide a positive educational setting for every student. This requires an understanding of and adherence to acceptable standards of respectful behavior which will allow learning to take place in the classroom. Every student is entitled to an education, and the right to be free of a climate that disrupts the education of others. To ensure a safe, comprehensive learning environment for all students and personnel, discipline codes and standards have been developed. To maintain the District's goal of a positive educational setting, an active committee of District representatives including: school and district administrators, teachers, security personnel, and support staff, along with community liaisons, union representatives, students and parents meet annually to review and revise the Code of Conduct.

Contained herein are responsibilities and rights of students, parents and staff. In addition, you will find consequences for inappropriate and unacceptable behavior. These responsibilities and rights and guidelines are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. To this end, the Board adopts the Code of Conduct.

CODE APPLICABLE TO ALL PERSONS

An environment conducive to learning must be orderly and respectful. To create and maintain this kind of environment, it is necessary to regulate the conduct of all persons on school property and at school functions.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner, and shall abide by all of the provisions of this Code applicable to them. Certain provisions of the Code indicate to which groups they apply. It should be particularly noted that Section VI (Prohibited Conduct) applies to all students, school personnel, parents and other persons when on school property or at a school function.

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 purpose of this Code is to maintain public order and prevent interference with the rights of others.

The rules set forth in this Code are not the only standards governing the conduct and performance of District employees. The Code shall not be construed to limit the authority of the District to take appropriate responsive action upon grounds or circumstances not listed in this Code.

DEFINITIONS

As used in this Code, the terms set forth below are defined as follows:

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

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

“School day” means any day of required pupils attendance. Unless preceded by the word “calendar,” “day” means a school day.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary, adult education or post secondary school or any other property owned or leased by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by or for the District.

“School Function” means any school-sponsored event or activity, including but not limited to extra-curricular and athletic events.

“Bullying” means any intentional act done willfully, knowingly and with deliberation, by individuals or an individual, which harms another person physically or emotionally. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present; it can be seen in small ways over a long period of time or in a large way all at one time.

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

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, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Knowingly and intentionally damages or destroys school District property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance (including chemical and biological substances) animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

“Controlled substance” means a drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.E. 20402-9328: 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234).

“Illegal drug” means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law.

“Serious bodily injury” means bodily injury which 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.

ESSENTIAL PARTNERS

A. Parents

All parents are expected to:

1. Recognize that the education of their child (ren) is a joint responsibility of the parents, students and the school community.
2. Ensure their children attend school regularly; send their children to school clean, well-rested, on time and ready to participate and learn; and insist their children be dressed and groomed in a manner consistent with the student dress code.
3. Know school rules and help their children understand them.
4. Visit their child’s school and attend meetings, hearings, conferences, including in “lieu of suspension,” conferences, concerning their children.
5. Establish clear lines of communication with school personnel.
6. Help their children deal effectively with peer pressure and emerging personal, social and emotional problems.
7. Provide accurate family information (e.g., address, phone number, emergency contacts, legal custody orders, etc.) and inform school officials of changes in the home situation that may affect student conduct or performance.
8. Provide a place for study and ensure homework assignments are completed and turned in.
9. Adhere to the Code of Conduct.
10. Report to the proper authorities as soon as possible any information they have on acts of bullying, harassment, or intimidation, the possession or possible possession of a weapon, alcohol or illegal substance by a person on school property, or a threat made by any person to do harm to another or to property.

B. Teachers

All District teachers are expected to:

1. Recognize that the education of their students is a joint responsibility of parents, students and the school community.
2. Be prepared to teach, and demonstrate interest in effective teaching, and concern for student achievement.

3. Promote a safe, orderly learning environment.
4. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
5. Enforce school policies and rules in a fair and consistent manner.
6. Communicate to students and parents their expectations for students and their classroom discipline plan.
7. Communicate regularly with students, parents, other teachers and administrators.
8. Help students deal effectively with peer pressure and emerging personal, social and emotional problems.
9. Adhere to the Code of Conduct.
10. Report to the proper authorities as soon as possible any information they have on acts of bullying, harassment, or intimidation, the possession or possible possession of a weapon, alcohol or illegal substance by a person on school property, or a threat made by any person to do harm to another or to property.

C. Principals and Assistant Principals (and designees)

1. Promote a safe, orderly and stimulating school environment for all students, staff and faculty, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal.
3. Evaluate all staff on a regular basis.
4. Support the development of students' participation in appropriate extracurricular activities.
5. Ensure that the Code of Conduct is enforced consistently in accordance with its terms.
6. Provide information to parents on support services available from the school.
7. Provide opportunity for parents to visit their children's school.
8. Adhere to the Code of Conduct.

D. Superintendent

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with District administrators, the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with District administrators in enforcing the Code of Conduct.
5. Adhere to the Code of Conduct.

E. Board of Education

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel, other school personnel and the community to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and other persons on school property and at school functions.
2. Adopt and review at least annually the District's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, courteous manner. It is further expected that, the Board of Education will take appropriate measures where violations of the Code of Conduct occurs.
4. Adhere to the Code of Conduct.

STUDENT RESPONSIBILITIES AND RIGHTS**A. Student Responsibilities**

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused, and be in class, on time and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond in a respectful, positive manner to all directions given by teachers, administrators, other school personnel, and other school authorized adults.
6. Seek help in solving problems that might lead to a disciplinary situation.
7. Dress appropriately for school and school functions in accordance with the Dress Code set forth in VII, below.
8. Accept responsibility for their actions.
9. Conduct themselves as representatives of the District when participating in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
10. Report to the proper authorities as soon as possible any information they have on acts of bullying, harassment, or intimidation, the possession or possible possession of a weapon, alcohol or illegal substance by a person on school property, or a threat made by any person to do harm to another or to property.
11. Adhere to the Code of Conduct.

B. Student Rights**THE DIGNITY FOR ALL STUDENTS ACT**

The Dignity for All Students Act (Dignity Act) prohibits discrimination and harassment of students on school property, on a school bus, or at school functions, by any student and/or employee. Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying.

As used in this Code, the terms set forth below are Dignity Act statutory definitions:

Harassment means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

School Property means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

School Bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such impairment.

Employee means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involves direct student contact.

Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality.

Gender means actual or perceived sex and includes a person's gender identity or expression.

The District is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all District students have the right to:

1. Expect a school environment that is conducive to learning.
2. Be treated respectfully by those in the school community.
3. Take part in all District activities on an equal basis regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability (consistent with the District's Anti-Harassment Policy).
4. Be provided with school rules, and when necessary, receive an explanation of those rules from school personnel.
5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty, in connection with the imposition of the penalty.

PROHIBITED CONDUCT

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

The Board recognizes the need to make its expectations for 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 to focus on safety and respect for the rights and property of others.

All persons shall be deemed to be in violation of this Code of Conduct and Board policy if, while on school property or at a school event, they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:**
1. Running in hallways.
 2. Making inappropriate and/or unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act, which disrupts the normal operation of the school community.
 6. Entering a school building (other than the one a student regularly attends) without permission from the administrator in charge of the building.
 7. Entering any school premises or remaining in any school building without authorization after it is normally closed.
 8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate web sites; telephone and cell phone usage, or any other violation of the District's acceptable use policy.

9. Loitering on school premises.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the valid directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, skipping or leaving school without permission (students).
3. Skipping detention (students).

C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

1. Failing to comply with the valid directions of teachers, school administrators or other school personnel in charge of students.
2. Speaking out of turn.
3. Horseplay.
4. Any other conduct, which would cause a student to be a disruptive student as defined in this Code of Conduct.

D. Engage in conduct that is violent or threatening. Examples of violent or threatening conduct include, but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and/or scratching) upon a student, teacher, administrator, other school employee or other person, or attempting to do so.
2. 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.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon or to do any form of harm to another individual, by any other means.
5. Intentionally, or with reckless indifference or disregard, damaging or destroying the personal property of a student, teacher, administrator, other District employee or other person, including but not limited to, graffiti or arson.
6. Intentionally, or with reckless indifference or disregard, damaging or destroying school District property.
7. Fighting and/or using any form of physical force against another person.
8. Instigating or initiating a fight or the use of any form of physical force against another person.

E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conducts include, but are not limited to:

1. Lying to school personnel.
2. Stealing the property of students, school personnel or any other person on school property or attending a school function.
3. Defamation, which includes false statements or misrepresentations about an individual or identifiable group of individuals, that harm the reputation of the person or the identifiable group.
4. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Bullying, cyberbullying, and harassment, which includes an action or statement, or a 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, including but not limited to all forms of harassment prohibited in the District's Anti-Harassment Policy, which is incorporated as a part of this Code of Conduct.
6. Bullying, cyberbullying, and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, this includes any intentional or reckless act directed against another, for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team.
8. Selling, using or possessing obscene material.
9. Using vulgar or abusive language, cursing or swearing.
10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
11. 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, synthetic drugs (incense, bath salts, or herbal potpourri), ecstasy, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, any substances commonly referred to as "designer drugs."
12. Inappropriately using, possessing or sharing prescription and/or over-the-counter drugs.
13. Gambling, or inappropriate possession of gambling devices.
14. Indecent exposure, that is, exposure to the sight of the private parts of the body.
15. Initiating a report, warning, or threat of fire or other catastrophe (including but not limited to a bomb threat or a threat of harm from a chemical or biological substance) without valid cause, misuse of 911, or discharging a fire extinguisher.

F. Engage in misconduct while on a school bus, public transportation, or public transportation facility, while in transit to and from school. It is important for all persons to behave appropriately to ensure their safety and that of others, and to avoid distracting transportation operators. Students and all other persons are required to conduct themselves in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct include, but not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another person in any of the above actions.

H. Instigate or encourage another person to violate this Code of Conduct.

DRESS CODE

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

When on school property or at a school function, a person's dress, grooming and appearance, including jewelry, make-up and nails, must:

1. be safe, appropriate and not disrupt or interfere with the educational process;
2. not include revealing garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) excessively short skirts or shorts and see-through garments;
3. cover all underwear with appropriate outer garments, including the wearing of pants at waist level;
4. include safe and appropriate footwear. Inappropriate footwear includes, but is not limited to; backless shoes (i.e. flip-flops, bedroom slippers). Exceptions will only apply to documented medical conditions;
5. not include headgear of any kind (including, but not limited to hats, caps, and hoods) except when required by medical or religious reasons;
6. not be lewd, vulgar, obscene, and libelous or denigrate others, or cause a disruption to the school that impedes the educational program;
7. not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities;
8. must not include coats, jackets & other outerwear, sweat shirts with hoods or "hoodies", inside of buildings;
9. not include jewelry that may be deemed a weapon. This includes, but is not limited to, a single ring or piece of jewelry covering multiple fingers, spiked necklaces or belts, belts with large removable buckles, chain-like neckwear, ninja-type stars, etc. Belt must be buckled;

10. not include clothing that is associated with or identifiable as a symbol of a gang or street club.

Additional restrictions may be determined by the school with the approval of the Board of Education.

Students who violate the dress code will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practical, replacing it with an acceptable item. Any student who refuses to do so may be subject to discipline in accordance with this Code.

POSSESSION OF PAGERS, CELL PHONES, TWO WAY RADIOS AND ALL OTHER ELECTRONIC DEVICES WITH WIRELESS COMMUNICATION CAPABILITIES

When a cell phone is confiscated from a student, staff will immediately notify the parent(s)/guardian(s) of the student so other arrangements (means of communication) can be made with their child. The confiscation provisions in this Code of Conduct presume staff will immediately communicate with the parent.

1. The decision to bring an electronic communication device (including but not limited to cell phones, pagers, iPods, iPhones, Blackberrys, etc.) or electronic game devices is a decision of the student and/or the student's parent/guardian. Students, parents and guardians are on notice that the District assumes no liability for the damage, destruction, theft or loss of such devices on school property. When making the decision to bring such devices to school, the student and parent/guardian jointly and severally assume the risk of potential damage, destruction, theft or loss.
2. Upon entering the School **all cell phones** must be stored in the student's locker. The cell phone must be stored "OFF" or in non-operational mode.
3. Students **may not carry about or operate cell phones** in school buildings and school busses.
4. Any students **carrying** or **operating** a cell phone in a school building will be subject to having that item confiscated by School District Administrative or Safety/Security Staff.
5. Such devices will be confiscated at the building. Parent/Guardian must meet with building administrator to recover the item.
6. Pagers, two-way radios (FCC Licensed or unlicensed), and all other electronic devices with wireless communication capabilities (i.e. handheld computers, PDA, Bluetooth etc..) are **NOT PERMITTED** in any Buffalo Public School or at school functions, except as authorized by the Superintendent. THESE DEVICES WILL BE TREATED AS CONTRABAND.
7. Should a student be found to repeat violations of this procedure, this device shall be confiscated and delivered to the District Safety/Security Office. The Parent/Guardian must make arrangements to pick up the item. **In addition to the confiscation of the cell phone or other devices students will be disciplined for their actions, pursuant to Board of Education (BOE) policy and Education Law, by the Building Principal.**
8. The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer (wireless communication devices) or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a CRIME under State and/or Federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be subject to the disciplinary procedures of the school district and reported to law enforcement and/or other appropriate state and federal agencies, which may result in arrest, criminal prosecution, and LIFETIME inclusion on sexual offender registries.

9. Police, Law/Enforcement Officials of a Government Agency, School Safety/Security and School Administrative Staff have authorization to possess and operate communication equipment for the conduct of appropriate business.

REPORTING STUDENT VIOLATIONS

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

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

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

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations which constitute or may constitute a crime, and which, in his or her judgment, substantially affect the order or security of a school, its students and/or its staff, as soon as practicable. The notification may be made by telephone or direct report, and may be followed by a letter. The notification must identify the student and explain the conduct which violated the Code of Conduct and which constitutes or may constitute a crime. Guidelines for such reports are contained in the 1999 Memorandum of Understanding between the Buffalo Police Department and the Buffalo Public Schools, the terms of which, shall govern such reports.

DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS FOR STUDENTS

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

In determining appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

Where appropriate, discipline will be progressive. This means that a student's first violation will usually merit a lesser penalty than subsequent violations, taking into account all factors relevant to the severity of the current

violation. The particular circumstances of a violation may, however, warrant a severe form of disciplinary action even if it is the student's first offense.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability.

A. Penalties

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

1. Oral warning or admonition – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, teacher aides, coaches, guidance counselors, teacher, assistant principal, principal, Superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, teacher aides, coaches, guidance counselors, teachers, assistant principal, principal, Superintendent.
4. Detention – teachers, assistant principal, principal, Superintendent.
5. Suspension from transportation – assistant superintendent of service center operation, assistant principal, principal, Superintendent.
6. Suspension from athletic participation – coaches, assistant principal, principal, Superintendent.
7. Suspension from social or extracurricular activities – activity sponsor, assistant principal, principal, Superintendent.
8. Suspension of other privileges – principal, Superintendent.
9. In-school suspension – principal, Superintendent.
10. Removal from classroom – teachers, principal, Superintendent.
11. Short-term (five days or less) suspension from school – principal, Superintendent, Board of Education.
12. Long-term (more than five days) suspension from school – Superintendent, Board of Education.
13. Permanent suspension from school – Superintendent, Board of Education.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases the school personnel, authorized to impose the penalty, must inform the student of the alleged misconduct and must reach a determination concerning the facts surrounding the alleged misconduct. All students will be afforded an opportunity, if requested, to present their version of the facts to the school personnel imposing the disciplinary penalty.

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

1. **Detention.** Teachers, principal and the Superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention must be served within one school day from the date of issuance. Detention takes precedence over extra-curricular activities, athletic practices or events and student employment. Detention will be imposed as a penalty only after the student's parent has been notified to confirm there is no parental objection to the penalty and that the student has appropriate transportation home following the detention. Failure to serve detention will result in another day of detention or in-school or out-of-school suspension.
2. **Suspension from transportation.** If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. Students may have their riding privileges suspended by the assistant superintendent of service center operations, assistant principal, the building principal or the Superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely.

A student subjected to a suspension from transportation is not entitled to a hearing pursuant to Education Law §3214 (unless the suspension from transportation will amount to a suspension from attendance). However, the parents shall be given notification of such action as soon as possible, and 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 penalty involved. Should the suspension from transportation amount to a suspension from attendance at school, the procedures of §3214 will be followed.

3. **Suspension from athletic participation, extra-curricular activities and other privileges.** A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a hearing pursuant to Education law §3214. However, the parents shall be given notification of such action, as soon as possible, and the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension, to discuss the conduct and the penalty involved.
4. **In-school suspension.** The Board 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 the Code of Conduct violation in an "in-school suspension."

A student subjected to an in-school suspension is not entitled to a hearing pursuant to Education Law §3214. However, the parents shall be given notification of such action as soon as possible, and the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the in-school suspension, to discuss the conduct and the penalty involved.

5. **Teacher removal of disruptive students.** 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 sit in a designated area of the room ("time out") or briefly leaving the classroom to give the student an opportunity to regain his or her composure/self-control under the supervision of an aide or other adult supervisor. Use of classroom management techniques such as

these does not constitute disciplinary removal for purposes of this Code, so long as the student is not sent to the care or custody of someone other than the classroom teacher.

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, i.e., interrupts or interferes with a student's ability to learn or impedes or interferes with a teacher's ability to teach or to maintain order in the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent and/or vociferous unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules in a manner which interferes with the process of instruction in the class. Examples include repeated and/or severe instances of speaking loudly or disrespectfully to the teacher or others, speaking out of turn, leaving his or her seat without permission, physical contact with another or throwing items.

A classroom teacher may remove a disruptive student from class for up to four days (including the day on which the removal occurs) when other behavior management techniques have been used but have not been successful in eliminating the disruptive conduct, or the conduct is so severe that such techniques cannot feasibly be used. The removal from class, only applies to the class of the removing teacher. Removal of a student with a disability, under certain circumstances, may cause a change in the student's placement. Accordingly, any special education student who has received nine previous days of suspension and/or removal, may be removed only with verification from the principal or Chairperson of the Committee on Special Education, such that removal will not violate the student's rights under state or federal law.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class. However, if the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal is not available by the end of the same school day, the teacher must leave the form for the principal and meet with or call the principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, at the last known address for the parents. Where possible, notice should be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference within working hours.

If at the informal meeting the student denies the charges, the principal must explain why the student was removed and give the student and the student's parent a chance to present the student's version of

the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal may overturn the removal of the student from class, if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is in violation of law, including the District's Code of Conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

Where an informal conference has been requested, the principal is to issue his decision by the close of business on the day following the 48-hour period for the informal conference. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever occurs first.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities, alternative means of instruction, until he/she is permitted to return to the classroom. The alternative instruction shall be provided by personnel in the school. The alternative instruction shall begin as soon as practicable, but in no event later than the second day of removal. Mechanisms for the provision of such services at each school shall be developed, and the principal shall be responsible for assuring that alternative instruction is provided to each eligible student. A day of removal shall not be counted as a day of absence for purposes of the District's attendance policy (unless the student fails to attend the alternative instruction which is provided).

Each teacher must keep a written log (on a District provided form) for all cases of removal of students from his or her class. The principal must keep a written building log (on a District provided form) of all removals of students from class.

The principal may designate another administrator to carry out his or her duties under this section, and the term "principal" as used in these removal procedures shall be deemed to include any such designee.

6. **Suspension from school.** Suspension from school is a significant penalty, which may be imposed upon students, who:
 - a. are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others;
 - b. engage in off-campus conduct (not at school or while not under the supervision of school authority or any employee or board member of the district), that adversely affects the educative process or endangers the health, safety or morals of students, or poses a threat of harm to him or herself, or to school property.

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

Any staff member may recommend to the Superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the Superintendent for a violation of the Code of Conduct. 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, and in no event later than the end of the next school day.

These procedures are also applicable where the student is suspended by an administrator from only one (or more) class (es) rather than from his or her entire educational program.

- a. **Short-term (5 days or less) suspension from school.** When the Superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education law §3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation for the basis of the proposed suspension. The suspending authority must also notify the student’s parents in writing within 24 hours that the student may be, (or has been), suspended from school.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of the complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. After the conference, the principal shall promptly advise the parents in writing of his or her decision.

The authority of the principal to suspend a student is limited to a maximum of five (5) days, and the return of the student at the end of the suspension may not be conditioned upon the parent(s) meeting with the principal.

- b. **Long-term (more than 5 days) suspension from school.** When the Superintendent or building principal or designee determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

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

reach a mutually agreed upon resolution of the case, before the formal report is issued to the Superintendent.

An appeal of the decision of the Superintendent may be made to the Board, which will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District clerk within fourteen calendar days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the board may be appealed to the Commissioner of Education within 30 calendar days of the decision.

- c. **Permanent suspension.** Permanent suspension is reserved for extraordinary circumstances such as conduct which poses a life-threatening or other serious danger to the safety and well-being of other persons. The procedures used shall be the same as those for a long-term suspension.
- d. **Alternate instruction.** When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take steps to provide continued educational programs and activities, alternative means of instruction, for the student. The alternative instruction may be provided by personnel in the school, or at an alternative school, by home instruction, or by a school suspension instruction program. The alternative instruction shall begin as soon as practicable, but in no event later than the third day of suspension. Mechanisms for the provision of such services at each school shall be developed by the District, and the principal shall be responsible for assuring that alternative instruction is provided to each eligible student. When a student above compulsory attendance age is suspended from school, the District will consider providing alternative instruction on a case-by-case basis.

C. Minimum Periods of Suspension

1. **Students who bring a weapon to school.**

Any student, including students with disabilities pursuant to Federal and State Laws and Commissioner's Regulations Part 200 and 201, found guilty of bringing a weapon, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun (Commissioner's Decision No. 14,733, No. 15,041); onto school property will be subject to suspension from school for at least one calendar year. Any student found guilty of bringing an imitation gun onto school property may be subject to the same penalty. 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 penalty, the Superintendent may consider the following:

- (a) The student's age.
- (b) The student's grade in school.
- (c) The student's prior disciplinary record.
- (d) The Superintendent's belief that other forms of discipline may be more effective.
- (e) Input from parents, teachers and/or others.
- (f) Other extenuating circumstances.
- (g) The Superintendent may require that a threat assessment, special intervention, health examination, or mental health examination be completed by a certified District employee or

designee in order to determine if a student suspended for bringing a weapon to school pursuant to the District Code of Conduct is eligible for a return to school from a long-term suspension prior to the original date of return and/or to determine and promote the educational interests of the student.

2. **Violent students who commit acts other than bringing a weapon to school.**

Any student, other than a student with a disability, who is found to have committed an act which makes him a violent student as defined in this Code, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. **Students who are repeatedly substantially disruptive of the educational process or who repeatedly substantially interfere with the teacher's authority over the classroom.**

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of the Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this Code on four or more occasions during a semester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The suspending authority has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the suspending authority may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. **Counseling and Human Services Agencies.** BPS staff may be a resource to parents for referrals of students to counseling and human services agencies.

2. **PINS Petitions.** The District may in appropriate cases seek the assistance of the Family Court through a PINS petition when students exhibit a pattern of unexcused absences, in accordance with the District's Attendance Policy. In addition, any student who is found to have brought a weapon to school, any violent student or any student who commits criminal acts on school property will be referred to the proper law enforcement agency in accordance with the terms of this Code.

3. **Juvenile Delinquents and Criminal Offenders.** The Superintendent is required to refer the following students to the County Attorney or District Attorney, as appropriate for a juvenile delinquency proceeding before the Family Court or proceedings before the appropriate criminal court:

(a) Any student who is found to have brought a weapon to school, or

(b) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

- (c) Any violent student.
 - (d) Any student committing an offense against the District, the school or any school personnel.
4. **Law Enforcement.** Reports to law enforcement shall be made in accordance with the 1999 Memorandum of Understanding between the Buffalo Police Department and the Buffalo Public Schools. The terms of that Memorandum are incorporated as part of this Code of Conduct.

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 Suspension or Removals of Students with Disabilities.

1. For purposes of this section of the Code of Conduct, only the following definitions apply.

A “suspension” means a suspension pursuant to Education Law §3214.

A “removal” means a removal for disciplinary reasons from the students’ current educational placement other than a suspension and (1) a 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 or (2) a change in placement to an IAES for behavior involving weapons, illegal drugs or controlled substances.

An “IAES” means a temporary educational placement for a period of up to 45 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 educational program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modification 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 his or her current educational placement as follows:
 - (a) The Board, the Superintendent of schools 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 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.

* Subject to change due to changes in the law resulting in IDEA 2004

- (b) The Superintendent 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 (a) 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 students would be subject to suspension for the same behavior.
 - (c) The Superintendent 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 (see Section B, below).
 - (d) The Superintendent 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, 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 sells or solicits the sale of a controlled substance while at school or a school function. The Superintendent may order this change even if the student's behavior is a manifestation of the student's disability.
 - 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 bodily injury, except... (for) a pocketknife with a blade of less than 2 ½ inches in length.
 - ii. "Controlled substance" means a drug or other substance identified in certain provision 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.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational program poses a substantial likelihood of injury to the student or others. A court also may order such a student to be placed into an IAES.

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 cumulative school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they accumulate 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 suspension 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.

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 District's Committee on Special Education shall:
 - (a) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop and/or review behavioral intervention plans whenever the District first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

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

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

- (b) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk or harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - (a) The Superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

- (b) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
- i. conducted an individual evaluation and determined that the student is not a student with a disability, or
 - ii. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes, shall remain in the educational placement determined by the District, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this Code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled student, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this Code, if:

- (a) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - (b) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
 - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

- 1. The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- 2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- 1. Protect oneself, another student, teacher or any person from physical injury.
- 2. Protect the property of the school or others.

3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

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

STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school personnel authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school personnel.

In addition, the Board authorizes the Superintendent, building principals and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. Other school personnel may conduct a search only in a situation where the circumstances do not allow the calling of the Superintendent, building principal or security official. Whenever practicable, the school official conducting a search shall consult with another person concerning the presence of reasonable suspicion and shall have another adult witness the search.

Whenever practicable, before searching a student or the student's belongings, the authorized school official should first ask the student if he or she possesses physical evidence that they violated the law or the District Code and/or ask the student to voluntarily consent to the search.

Searches will be limited to the actions necessary to locate the evidence sought. Whenever practicable, searches will be conducted in a private area and students will be present when their possessions are being searched.

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

In all cases, security reports shall be completed regarding the circumstances and results of the search. Any items taken during the course of the search shall be turned over to security personnel or law enforcement authorities.

RANDOM METAL DETECTOR WAND SCREENING

Random metal-detector wand screenings are an effective and necessary means of detecting and deterring the possession of weapons and preventing its consequences, principally student violence, from occurring on school premises. Random screenings are screenings that are not conducted on a regularly scheduled basis and are not necessitated by particularized safety concerns or special events. The Superintendent or designee or other school officials may authorize metal-detector screenings on randomly chosen days during a specified period of the day, using trained personnel (and if available, Police Officers assigned to the school and/or "roving" units) to operate the metal detector wands or portable metal detectors available to their school.

"AS NEEDED" SCREENINGS

The Superintendent or designee or other school officials may authorize metal-detector screenings on days chosen to address particular safety concerns (such as recent violence in the neighborhood) "as needed" or on days on which special

events (such as athletic competitions or dignitary visits) are held, using trained school personnel (and if available, Police Officers assigned to the school and/or roving units) to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wands), or using a task force comprised of trained school personnel, Safety and Security personnel, and Buffalo Police Department Officers to operate the school's metal detector wands or the portable metal detectors.

VISITORS TO THE SCHOOLS

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

1. Anyone who is not a regular staff member or student of the particular school will be considered a visitor (including central office staff).
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register. If identification badges are used in the building, they will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, athletic competitions or public gatherings, are not required to wear an identification tag.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors must abide by the rules contained in this Code of Conduct.

ENFORCEMENT FOR PERSONS OTHER THAN STUDENTS

For all persons other than students, violation of this Code shall be subject to the following provisions.

A. Penalties

Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection, or to arrest and prosecution, at the discretion of the Principal and the police. Where warranted, they may be excluded from school property and/or functions in the future.

2. Tenured faculty members and administrators. They shall be subject to disciplinary action, up to and including discharge, as the facts may warrant in accordance with Education Law §3020-a and any other legal and contractual rights that they may have.
3. Staff members in the classified service of the Civil Service entitled to the protection of Civil Service Law §75. They shall be subject to disciplinary action, up to and including discharge, as the facts may warrant in accordance with Civil Service Law §75 and any other legal and contractual rights that they may have.
4. District employees other than those described in subdivisions 2 and 3. They shall be subject to warning, reprimand, suspension, dismissal or other disciplinary action, as the facts may warrant in accordance with any legal and/or contractual rights they may have.

B. Enforcement

Each building principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and ask the individual to stop such behavior. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, BPS security and/or law enforcement authorities will be contacted to assist in dealing with the person.

Following such an incident, the building principal or his or her designee shall report the incident to BPS security and to local law enforcement, if they have not already been notified.

District will consider violations of the Code as a possible basis for disciplinary action against any staff member, as appropriate in accordance with the "Penalties" section above. In addition, the District reserves its rights to pursue a civil or criminal legal action against any person violating the Code and/or the law at or in connection with school.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations which constitute or may constitute a crime and which, in his or her judgment, substantially affect the order or security of a school its students and/or its staff, as soon as practicable. The notification may be made by telephone or direct report, and may be followed by a letter. The notification must identify the student and explain the conduct which violated the Code of Conduct and which constitutes or may constitute a crime. Guidelines for such reports are contained in the 1999 Memorandum of Understanding between the Buffalo Police Department and the Buffalo Public Schools, the terms of which shall govern such reports.

DISSEMINATION AND REVIEW

The Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies of a summary of the Code to all students at a general assembly held at the beginning of each school year and to new students as they enroll during the year.

2. Mailing a summary of the Code of Conduct written in plain language to all parents of District students before the beginning of the school year and to the parents of new students as they enroll during the year.
3. Making copies of the Code available to all parents upon request.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members in school main offices and at the District website www.buffaloschools.org.

The Board will sponsor in-service education programs for all District staff members to ensure effective implementation of the Code. The Superintendent shall be responsible to establish such programs, and in doing so shall solicit the recommendations of staff, particularly administrators and teachers.

The Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently. The Board 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. Revisions to the Code will be made only after at least one public hearing, which provides for the participation of school personnel, parents, students and any other interested party.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption by the Board.

2012 -2013
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