

Code of Conduct

St. Mary's Elementary School
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Code of Conduct

I. Introduction

St. Mary's Elementary School is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other school personnel, parents and other visitors is essential to achieving this goal.

St. Mary's Elementary School exists to provide a Catholic education which will help each student grow in their awareness of God, self and others and to develop to their full potential, spiritually, academically, and socially. These objectives provide the standard of judgment and the guide for action in the area of discipline. St. Mary's Elementary School recognizes the responsibility it shares with the parents in the supervision and discipline of students while they are in school or acting as a student of the school.

A successful school program is directly related to well-ordered classes, individual self-respect and discipline. In the educational process, development of self-discipline and respect for others, accomplished with guidance from parents and professional educators, is a desirable goal. During the time of development, guidelines and rules help achieve this end. In order to establish the best possible atmosphere for growth in our school, we strive, along with parents, to provide role models and positive reinforcement to our children

Each individual associated with St. Mary's Elementary School hereinafter referred to as "school" shares the responsibility for preserving the best possible atmosphere for learning and growth to occur. This calls for parental supervision and training, student preparedness and respect, and staff excellence.

The school has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the character principles of civility, mutual respect, citizenship, perseverance, caring, self-discipline, courage, fairness, responsibility, honesty and integrity. School policies already regulate many aspects of behavior expected of its employees, students, and visitors to school property.

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

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

Definitions

For purposes of this code, the following definitions apply:

“Disruptive student” means an elementary student who is substantially disruptive of the educational process, or who substantially interferes with the teacher’s authority over the classroom, or who at any time on school property or at a school function, disrupts the orderly functioning of the school or school function.

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

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of St. Mary’s Elementary School or Parish, or in or on a school bus, as defined in Vehicle and Traffic Law §142. “School property” for purposes of this code also means any class or instruction outside of the boundaries of the school but which constitutes a part of the student’s educational program. School property can also mean any furniture, equipment, educational supplies or other non-fixed personal property owned by the school.

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

“Violent student” means a student who:

1. Commits violent conduct as defined in this code upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, violent conduct 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 or an instrument of violence.
4. Displays, while on school property or at a school function, what appears to be a weapon or an instrument of violence.
5. Threatens, while on school property or at a school function, to use a weapon or an instrument of violence.
6. Knowingly and intentionally damages or destroys the personal property of the school or any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school property.

To “threaten” means to communicate to any other person, either verbally, by overt act, or in any writing, information, or statements that, explicitly or by implication, predict, threaten or describe past, present or future intention to engage in any act that would constitute any of the prohibited activities listed in sections 1 through 7 above.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

“Dangerous weapon” will be used in this code to refer to the definition contained in 18 USC §930(g)(w) in the context of the discipline of a student with a disability as defined below.

An “instrument of violence” includes, but is not limited to, any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, can sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.

A “disability” means a disability as defined by the Individuals with Disabilities Education Act (“IDEA”) and Article 89 of the New York Education Law.

II. Student Rights and Responsibilities

A. Student Rights

The school 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 students have the right to:

1. Take part in all school activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Be treated in a respectful manner by other students and other members of the school community.

B. Student Responsibilities

All 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 school 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. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the school when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

III. 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 and the school community.
2. Provide school officials with current working home, work and emergency telephone numbers so that school may reach parents to discuss student progress and other matters of mutual concern.
3. Send their children to school ready to participate and learn.
4. Ensure their children attend school regularly and on time.
5. Ensure that student absences are for a reason accepted as “excused” under New York Education Law and to provide appropriate school personnel with a reason for every absence.
6. Assist and help their children to be dressed and groomed in a manner consistent with the student dress code.
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
8. Know school rules and help their children understand them.
9. Convey to their children a supportive attitude toward them, their education and the school.

10. Build good relationships with teachers, other parents and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a safe, quiet place for study and ensure homework assignments are completed.

B. Teachers

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity in the classroom and on school property.
2. Work to strengthen each student's self-concept and promote confidence to learn.
3. Know their students as learners and demonstrate a commitment to student achievement.
4. Be prepared to teach and to demonstrate interest in teaching and professional development.
5. Know school policies, rules and this code, obey them, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning student growth and achievement.
8. Know their school's security procedures and assist the school in its implementation, as appropriate.
9. Report all violations of this code to the principal or his/her designee.
10. Know and follow the procedures for student discipline in Section VII of this code as they relate to teachers.

11. Know school rules and help students to understand them.

C. Principal

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

D. All School Employees

1. Promote a safe and orderly school environment.
2. Know and obey this code of conduct and all other school rules and policies.

V. Student Dress Code (See Appendix I Dress Code)

The school will not use fashion or taste as the sole criterion to regulate student dress, but it will regulate student dress to insure that students attend school in clothing that meets health and safety standard and that does not disrupt or interfere with the educational process. The principal and other designated administrative personnel shall have the authority to determine that a particular student's dress on a given day is "inappropriate" i.e., does not meet the above standard. 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. 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.

Students and their parents have the primary responsibility to make sure that students' dress meets the code. All students are expected to give proper attention to personal cleanliness and to dress according to the code for school and school functions. Teachers and all other school personnel should exemplify and reinforce this code and help students develop an understanding of appropriate dress in the school setting.

For example, a student's dress, grooming and appearance shall:

1. Not include extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments.
2. Completely cover underwear with outer clothing.
3. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
4. Not include the wearing of hats, bandanas or other head covers in the school buildings except for those whose medical condition dictates otherwise.
5. Not include items that are vulgar, obscene, libelous, gang-related or that bully or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
6. Not promote, advertise and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
7. Not constitute a danger to self or others in physical education class or athletic teams.

The principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

VI. Prohibited Student Conduct

The school expects all students to conduct themselves in a civil manner, with proper regard for the rights and welfare of other students, school 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. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

The school 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 penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they, either alone or with others:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
1. Running in hallways.
 2. Making 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. Tampering with or vandalizing any school property.
 7. Trespassing. Students are not permitted in the school building without permission from the principal.
 8. Computer/electronic communications misuse, including any use of computers, software, or internet/intranet account that is unauthorized or violates any portion of this code of conduct; accessing inappropriate websites; or any other violation of the school's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, the principal, or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving classes, alternative instruction or the school building or school property without permission.
 3. Skipping detention, in-school suspension or any other disciplinary assignment.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrator or other school personnel in charge of students.
 2. Any violation of the Student Dress Code as described in Article V above, or as further described in any school guidelines regarding student dress.
 3. Any conduct that is disorderly as defined in Article VI, Section A above.

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

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon, a dangerous weapon or an instrument of violence. 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, a dangerous weapon or instrument of violence.
5. Threatening to use any weapon, a dangerous weapon or instrument of violence.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school property.

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

1. Lying to school personnel.
2. Stealing the property of the school, other students, school personnel, or any other person lawfully on school property or attending a school function.
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 race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
 7. Hazing, which includes any intentional or reckless act on school property or at a school-sponsored activity directed against another for the purpose of initiation, affiliation or membership.
 8. Bullying, which includes violent conduct, harassment and/or intimidation as defined above.
 9. Selling, using or possessing obscene material.
 10. Using vulgar or abusive language, cursing or swearing.
 11. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
 12. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substance" includes, but is not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs".
 13. Unauthorized use or sharing of prescription and over-the-counter drugs.
 14. Gambling.
 15. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 16. Initiating a report warning of fire, explosion, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
 17. Using a computerized information system to engage in any of the above conduct.
- F. Engage in misconduct while on a school bus or field trip bus. It is crucial for students to behave appropriately while riding on school buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, use of vulgar language, pushing, shoving, fighting or any other violation of this code of conduct on a school bus will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:

1. Plagiarism – the use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

VII. Reporting Violations

All students are expected to promptly report and describe violations of the code of conduct to a teacher, the principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report and describe this information immediately to a teacher, the principal, or the principal’s designee. Any student who files a false report engages in disruptive behavior under this code.

All staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School 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.

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

The principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practicable, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and allegedly constituted a crime.

VIII. Disciplinary Penalties, Procedures and Referrals

A. Principles of Discipline and Consequences of Behavior

Discipline is most effective when it deals directly with the problems at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who

interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. As authorized by the New York Education Law, 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.

Unless the conduct is so serious or criminal in nature that a more serious penalty or referral to law enforcement is deemed necessary in the discretion of school officials, discipline, as a general rule, will be progressive. "Progressive discipline" means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability as defined by the individuals with Disabilities Education Act ("IDEA"), the student shall, after guilt is determined pursuant to Education Law §3214, 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 student identified as having such a disability shall not be disciplined, except pursuant to the guidelines in Article X of this code and applicable law.

B. Range of Penalties

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

1. Oral warning – any member of the school staff.
2. Written warning – bus driver, head lunch monitor, coaches, teachers, principal.

3. Written notification to parent – bus driver, head lunch monitor, coaches, teachers, principal.
4. Detention or other age-appropriate in-school penalty – teachers, principal.
5. Suspension from transportation – principal.
6. Suspension from athletic participation – principal.
7. Suspension from social or extracurricular activities – activity director, principal.
8. Restitution for the value of stolen property – principal
9. Suspension of other privileges – principal.
10. In-school suspension to intensive learning center – principal.
11. Removal from classroom – teacher and principal under rules described in Section 5 below.
12. Short-term (five days or less) out-of-school suspension – principal.
13. Long-term (more than five days) out-of-school suspension – principal.
14. Permanent suspension from school – principal.

C. Procedures

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

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

1. Detention

Teachers and the principals may use before, *during* or after school detention as a penalty for student misconduct when deemed appropriate by the principal or his/her

designee in situations where a student's removal from the classroom would be inappropriate.

2. Suspension from transportation

If a student violates any portion of this code of conduct on a school or field trip bus, the bus driver is expected to bring such misconduct to the principal's attention, and to the attention of his/her supervisor. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school promptly and safely.

A student subjected to a suspension from transportation is not entitled to a 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 principal or the principal's designee to discuss the conduct and the penalty involved.

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

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

4. In-school suspension from classed to intensive learning center

The school recognizes that it 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 principal is authorized to suspend students from their regular classes who violate this code of conduct or school guidelines and place such student in an intensive learning area to continue their educational program on a temporary basis.

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, within a reasonable time, to speak with the school principal imposing the in-school suspension from classes to discuss the conduct and the penalty involved.

5. Teacher disciplinary removal of disruptive students

a. General principles

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: (1) short-term “time out” in the office or in a different classroom where there are no other students present; (2) sending a student to the principal’s office for the remainder of the class time only; (3) requesting assistance from other school personnel in the classroom. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

b. Conditions for student removal by a teacher

On occasion, a student’s behavior may become disruptive as defined elsewhere in this code of conduct. 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 education 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. All teachers and other school personnel are expected to report to the principal or his/her designee any student behavior that could reasonably be interpreted as disruptive as defined by this code of conduct.

c. Process for removing a student by a teacher

If, after such a report, and any disciplinary action resulting therefrom, the student’s disruptive behavior persists, a classroom teacher may remove a non-disabled disruptive student from class to the areas designated within the school building for the temporary education of such students for up to two days. A school employee must accompany the removed student to the designated location. The removal from class applies to the class of the removing teacher only. Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement.

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

If the student 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 in the presence of the principal or he/her designee 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 also complete a disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designed is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designed prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or principal's designee 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 or the principal's designee to discuss the reasons for the removal.

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

The principal will require the teacher who ordered the removal to attend the informal conference, unless there are extraordinary reasons why, in the principal's judgment, the teacher should not attend.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 school-day hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

d. Principal review of removal

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

1. After investigation, the charges against the student are not supported by substantial evidence.
2. The student's behavior is otherwise in violation of law, including the school's code of conduct, and therefore warrants another disciplinary sanction or law-enforcement referral.
3. The conduct warrants suspension from school pursuant to Education Law§3214 and a suspension will be imposed.

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

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

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. These procedures are codified in New York Education Law § 3214, and this section of the code is intended to summarize these procedures and not to supplant the relevant law, regulations and decisions of the Commissioner of Education.

Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent or disruptive student to the principal 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, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation if necessary.

a. Short-term (5 days or less) suspension from school

When the principal (referred to as the ‘suspending authority’) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible,

notice should also be provided by telephone 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. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless, in the sole discretion of the principal, 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 student, parent or guardian must be so notified in writing and the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. If the principal does not uphold the suspension, and the student has already served the suspension, the school shall, as soon as possible, remove ("expunge") the suspension from the student's disciplinary record.

If the principal upholds the suspension, and the student has not already served the suspension, the student shall begin to serve the suspension on the next school day following the decision of the principal.

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

When the principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a hearing. At the hearing the student shall have the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The hearing shall take place before the student is suspended unless, in the sole discretion of the principal, 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 student, parent or guardian must be so notified in writing and the hearing 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. If the principal does not uphold the suspension, and the student has already served the suspension, the school shall, as soon as possible, remove (“expunge”) the suspension from the student’s disciplinary record.

If the principal, upholds the suspension, and the student has not already served the suspension, the student shall begin to serve the suspension on the next school day following the decision of the principal.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student’s conduct poses a life-threatening danger to the safety and well-being of others students, school personnel or any other person lawfully on school property or attending a school function. The procedures for permanent suspension are the same as those for a long-term suspension as defined above.

D. Minimum Periods of Suspension

1. Students who bring a weapon to school

a. General Rule

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will 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.

b. Principal’s Authority to Modify Penalty

The principal has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the following factors will be considered:

- a. The student’s age.
- b. The student’s grade in school.
- c. After guilt is determined, the student’s prior disciplinary record.
- d. The principal’s belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.

f. Other extenuating circumstances.

2. Students who commit violent acts under this code 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, or who is found to have used or threatened to use an instrument of violence on 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 parents 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 parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The principal has the authority to modify the five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal 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 the educational environment of the school, 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 education 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 this 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, or three or more occasions during a trimester. 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 principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

IX. Use of Physical Force

A. Corporal Punishment Forbidden

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Under New York Education law, corporal punishment of any student by any district employee is strictly forbidden.

B. Legal Exceptions

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, New York Education Law permits the use of reasonable physical force 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.

X. Student Interrogations and Searches

A. Interrogations by School Personnel

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

B. Searches by School Personnel – General Guidelines

In addition, the principal and school nurse are authorized 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 school code of conduct.

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

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

Before searching a student or the student's belongings, the authorized school official should attempt to obtain a student's admission that he or she possesses physical evidence that they violated the law or the school code, or the student's voluntary consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches of student belongings will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

C. Searches of Student Lockers, Desks, Computerized Information Systems and other School Storage Places

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, computerized information systems 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, computer hard drives 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. Students have exclusive use of a locker only so far as other students are concerned.

D. Removal of Clothing During a Student Search

A search may require a student to remove some of his or her clothing, such as an outer coat or jacket, shoes, socks, sweaters, hats or vests, in conjunction with an investigation under this code of conduct. Students may also be required to empty pockets or shake out bulky clothing in the presence of school officials. If an authorized school official believes it is necessary to conduct such a search of a student, the school official may do so only in the presence of another school official.

The only exception to this rule is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Only law enforcement personnel, under the guidelines in Sections E and F below, may conduct searches that require a student to remove all of his or her clothing.

E. Documentation of Searches

The authorized school official conducting any search involving the removal of clothing other than coat, jacket, sweater, sweatshirt or other outer clothing under this section shall be responsible for promptly recording the following information about each search:

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

The principal or the principal's designee shall be responsible for the custody, control and disposition of the search record and of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

F. Police Involvement in Searches and Interrogations of Students

School personnel are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. In contrast to the

authority of school officials, who have authority under the Education Law to question students without parental consent, police officials have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the police questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

1. Inform students of their legal rights.
2. Inform students that they may remain silent if they so desire.
3. Inform students that they may request the presence of an attorney.

G. Child Protective Services Investigations

Consistent with the school's commitment to keep students safe from harm and the obligation of school officials under the New York Social Services Law to report to New York State Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the school 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.

All requests by Child Protective Services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her 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 the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or school district official of the opposite sex.

A Child Protective Services worker may not remove a student from school property to place a child in protective custody without a court order, unless the worker reasonably believes that the student's life or health is in imminent danger if he or she were not placed in protective custody before a court order can reasonably be obtained. If the worker believes the student would be subject to imminent danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XI. Visitors to the School

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

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property or any visitor who violates any provisions of this code of conduct will be reported to the principal or his or her

designee. Unauthorized persons will be considered trespassers and asked to leave. The police may be called if the situation warrants.

7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct. The principal may limit the access of any visitor on school property, including a parent, if that visitor's conduct disrupts the educational process or environment of the school.
8. Non-school employees, including parents, are not permitted to board a school bus (unless they are field trip chaperones). All complaints related to transportation should be reported to the principal and the district's transportation office and contractor for investigation.

XII. Public Conduct on School Property

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including, but not limited to, students, teachers, other school employees, visitors, those using school property under a permit granted by the school and school personnel.

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

All persons on school property or attending 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 for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities, including student dismissal procedures.

4. 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.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises, including the use of telephones, fax machines and computerized information systems, without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate traffic directions, signs or traffic control devices, parking regulations or other restrictions on vehicles, especially in areas reserved for school buses during the hours of student arrival and dismissal;
9. Possess, consume, sell, distribute or exchange tobacco products, alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Refuse to comply with any reasonable order of identifiable school officials performing their duties.
13. Willfully incite others to commit any of the acts prohibited by this code.
14. Violate any federal or state statute, local ordinance or school policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization or permit, 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 law enforcement referral.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Staff members. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The principal or his or her designee shall be responsible for enforcing the conduct required by this section of the code.

When the 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 attempt to persuade the individual to stop. 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, local law enforcement authorities will be contacted to assist in removing the person.

The school shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the school reserves its right to pursue a civil or criminal legal action against any person violating the code.

St. Mary's Elementary School
2 St. Mary's Hill
Lancaster, NY 14086

DRESS CODE

GIRLS K-8

1. **Grade K-5**
 1. Uniform plaid knee-length jumper
 2. Plain white collared blouse. Blouse may be a long or short sleeved white collared knit top or white turtleneck

2. **Grade 6-8**
 1. Uniform plaid knee-length skort
 2. Plain white collared blouse. Blouse may be a long or short sleeved white collared knit top or white turtleneck
 3. Navy blue polyester vest
Note: Long sleeved navy blue sweater may be worn in addition to the vest but not in place of vest

3. **Grades K-8**

Navy blue dress pants may be worn in place of jumpers or skorts from **November 1** through spring. (Date to be determined by principal)
Girls in grades 6-8 must wear navy blue vest with slacks

BOYS K-8

1. Navy blue slacks, straight cut, no cargo pants
2. White knit collared shirt, long or short sleeved or white turtleneck
3. Navy blue sweater, vest or blazer may be worn (no embalmes)

ALL STUDENTS IN K-3

On days when students in grades K-3 have gym, they may wear Spirit Attire [gym uniforms] as their school uniform.

GYM UNIFORM (Spirit Attire)

This consists of uniform T-shirt and shorts. Uniform sweatshirt and sweat pants may be worn over shorts and shirt.

NON-UNIFORM DAYS

On non-uniform days the Dress Code must be followed except for the following;

Dress-Up Days: Students wear their good clothes. All skirts, skorts, and dresses are to be knee-length. No jeans.

Dress-Down Days: Students may wear casual clothes which are modest, tasteful and appropriate. Jeans may be worn.

The footwear policy is the same for all days whether or not it is a "Dress-Down Day" or "Dress-Up Day".

Nail polish may be worn on non-uniform days.

OTHER UNIFORM/DRESS-RELATED AREAS

Grades K-8

Shoes –Rubber-like soled shoes or sneakers are required. No toeless or backless shoes, crocs or sandals are allowed. No boots, moccasins, ugg style slippers or boots allowed during the school day. No heels over 1 inch allowed.

Socks – Solid white or navy socks are required. Girls are to wear knee socks, or tights with skorts or jumpers. Navy blue crew or ankle socks may be worn with shorts or slacks.

During September/October and May/June, students may wear knee length navy blue uniform shorts. 9/9/2009

Spirit Attire sweatshirt may be worn at any time, at any grade level, over regular collared shirt.

SME "Hoodies" may be worn in school from **November 1** through spring. (Date to be determined by principal)

All uniforms are to be neat, clean and properly fitting. Shirts are to be tucked in at all times.

Permitted:

Simple necklaces (i.e. thin chain) for small religious medals

Only simple post earrings or small hoops

Wrist watches

Not Permitted:

Make-up, lipstick, nail polish, or the like.

Jewelry except as noted above, no dangling earrings

No wrist bands

Extreme hair styles; bleached, streaked or dyed hair

Scarves or decorative hair attire other than plain hair bands

Hats in the building

Body piercing, tattoos

Perfumes, colognes

Clothing with inappropriate words or pictures

Any immodest clothing

ALL CLOTHING MUST BE LABELED

The principal reserves the right to make any changes to the Dress Code.