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SCHOOL CONDUCT AND DISCIPLINE CODE

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WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT

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**WEST HEMPSTEAD UNION FREE SCHOOL DISTRICT
SCHOOL CONDUCT AND DISCIPLINE CODE**

Article One

RIGHTS AND RESPONSIBILITY

The **School Conduct and Discipline Code** seeks to preserve the safety and security of the school community, to promote an effective teaching-learning situation within the classroom, and to promote student self-discipline and an appreciation of democratic due process. It describes clearly those activities and types of behavior that cannot and should not be tolerated in school or during school sponsored functions, while detailing those procedures designed to protect the rights of students and school staff, and guaranteeing "due process" to all in accordance with New York State Education Law. The Code provides administrators and teachers with the discretion and guidelines to make fair and informed decisions in matters of discipline, demonstrating to students that fairness in school discipline as well as in their daily dealings with both classmates and school staff is a principle worth preserving.

- Section 1.1 Each student has the right to an education, and he/she also has the responsibility not to interfere with or threaten the education of others by his/her actions.

- Section 1.2 Each student has the responsibility to attend school regularly, to work to the best of his/her ability in all academic and extra curricular pursuits, and to abide by the policies and regulations of the school.

- Section 1.3 Each student is guaranteed freedom of speech, freedom of expression of ideas, and freedom of the press.

- Section 1.4 Each student must refrain from libel, slanderous remarks, and any obscenity in verbal and written expression.

- Section 1.5 Each student should respect the dignity and worth of other individuals, of his/her school and school property, as well as the property of other individuals - both within and without the various school buildings.

- Section 1.6 The school district will not discriminate on the basis of sex, race, color, religion or national origin, and must be in compliance with Title IX.

Article Two

Discipline Code

- Section 2.1 Discipline is vital to maintaining an environment in which learning may flourish. It should be used to educate or to establish useful habits as a step toward developing self-discipline. Among these habits is dressing appropriately for school and school sponsored activities.
- Section 2.2 Students are responsible for compliance with disciplinary codes established by the Board of Education and the school administration, and are subject to disciplinary action in accordance with school district policies and administrative regulations.
- Section 2.3 While corporal punishment is prohibited, members of the staff may use reasonable force to restrain an individual from harming himself/herself or others, or to remove an individual from a situation in which his/her continued presence might lead to harm to himself/herself or to others.
- Section 2.4 To maintain the orderly administration of the school, minor infractions of school discipline may be handled informally and without delay providing that the student is informed of the nature of the infraction with which he/she is charged.
- Section 2.5 Pursuant to Education Law sections 101, 207, 305, 2801 and 3214 and Chapter 181 of the Laws of 2000 a classroom teacher may remove a student from class for up to two days if the teacher determines that the student is substantially disruptive to the educational process in the classroom. The removal from class applies to the class of the removing teacher only, at the secondary level. In the case of elementary students the removal applies to a defined period of instructional time.
- If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may the teacher remove a student from class.
- If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within one full school day.
- The teacher must complete a form provided by the school 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 referral form. If the Principal 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 prior to the beginning of classes on the next school day.

Within one school day after the student's removal, the Principal or principal's designee, together with the teacher, must attempt to notify the student's parent by phone that the student has been removed from class and why. In addition, the Principal or principal's designee must also inform the parent of the removal in writing. In both cases the parent must be notified that he or she has the right, upon request, to meet informally with the Principal or the principal's designee and the teacher to discuss the reasons for the removal and behavior modifications to remedy the cause for the removal. The written notice must be mailed and sent home with the student within one full day after the removal process is initiated.

If at the informal meeting the student denies the charges, the Principal or the principal's designee, together with the teacher, 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 two school days of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent, teacher and principal.

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

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law.
- The conduct warrants suspension from school

The Principal or the principal's designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal or the principal's designee makes a final determination, or the period of removal expires, whichever is less.

The removing teacher will provide any student removed from the classroom work for that class. The work provided will cover the length of the removal from the classroom. Each school will decide how best to supervise students removed from class by their teachers.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal or principal's designee must keep a log of all removals of students from class. The Chairperson of the CSE must approve all removals from class of Special Education students.

Nothing in this section of the Code of Conduct abridges the right of the Principal to suspend a student from school or the right or responsibility of the teacher to manage student behavior in the classroom. Short-term, time honored classroom management techniques such as “time-out” are not considered removals from class.

Definitions:

Disruptive Student means a 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.

Violent Student – a student under the age of 21 who:

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

Section 2.6

The Board of Education or the Superintendent of Schools, or designee pursuant to Section 3214, subdivision 3 (a) of the Education Law of the State of New York, may suspend the following pupils, as set forth in Section 3214, subdivision 3 (a), for a period not to exceed five (5) school days, from required attendance at instruction including all school sponsored activities:

A pupil who is insubordinate or disorderly, or whose conduct otherwise endangers the safety, morals, health or welfare of others;

A pupil whose physical or mental condition endangers the health, safety or morals of himself/herself or of other pupils.

Section 2.7

The Superintendent of Schools or his/her designee, shall do the following upon suspension of a pupil: On the date of suspension, make every reasonable effort to notify the person in parental relation to the pupil of the said suspension, and if such notification is not possible, notify said person in parental relation, by mail, at his or her last known address.

Grant to the pupil and the person in parental relation to the pupil, on request, an opportunity for an informal conference with the Superintendent of Schools or his/her designee.

If no request for conference be made by the person in parental relation to the pupil, within one (1) school day of the suspension date, then the Superintendent or his/her designee shall make every reasonable effort to schedule such a conference, at a time and place designated by him/her, and shall notify the person in parental relation of same in the manner he/she deems best.

Suspensions in excess of five (5) days shall be made pursuant to 3214, subdivision 3 (c) (and following) of the Education Law.

Section 2.8 In the absence of the Superintendent of Schools, the Assistant Superintendent of Schools, in addition to powers granted by statute, shall have the power and authority hereby granted the Superintendent.

Section 2.9 Students will be released to police officers by a school administrator without parental consent only under the following circumstances:
a) When a warrant is presented for a student's arrest;
b) When a court order is issued for the appearance of a student or students in court, or
c) Where there are reasonable grounds to believe that a violation of law has been committed on school grounds.

However, every effort will be made to notify the parent(s) prior to such release.

Section 2.10 Students who are suspended from West Hempstead High School shall be suspended from B.O.C.E.S., as well, for the same days. If a student shall be suspended from B.O.C.E.S., he/she shall be suspended from West Hempstead High School, as well, for the same days.

Section 2.11 Student use of cell phones is prohibited during the school day. Consequences will be determined by the principal.

The Board of Education recognizes the necessity and pervasiveness of personal cell phones in today's society. The Board further recognizes parental desire to be in contact with their children via these devices on a constant basis.

However, such devices in a school setting may cause security and safety risks if their use is not regulated. Such risks may include the compromise of the academic setting and the testing/assessment structure, as well as safety concerns in terms of communication should a school or the school district be facing a threat from outside or within a school building.

Therefore, at the secondary level, all student cell phones are to be turned off and placed inside the individual student lockers from the beginning until the end of each school day. At the elementary level, cell phones must be turned off and placed in the students' backpacks, pockets and the like. Parents who need to speak with their child(ren) may call the main office of their child(ren)'s school to request assistance.

Cell phones cameras may never be used in locker rooms and lavatories.

Article Three

Strategies and Procedures

Section 3.1 Good discipline is usually positive and preventive. It begins with the provision of educational activities that keep students interested and busy in constructive endeavors, and with the provision of positive advice and adult role models.

Section 3.2 Courtesy and freedom will prevail in the well-regulated classroom. The Board believes that use of a well modulated, friendly but firm tone of voice helps a teacher promote discipline. Teachers are encouraged to use proven educational techniques of classroom management such as: time out; eliminating free time; change of assignment; etc.

Section 3.3 At times, discipline may require punishment. Punishment for repeated offenses will be progressive and cumulative. Punishment should be conducted in a fair, dignified, and even-tempered manner. The use of the word "fair" does not mean that, especially for lesser offenses, punishment must always be the same for the same offense. Discretion will be exercised in administering punishment in recognition of the fact that what may be considered light punishment for one student could be overly severe for another. A range of consequences for particular behaviors may include but not be limited to: Student Conferences, Detention, Parent/Guidance Conferences, Loss of Privileges, Special Assignments, Removal from Class by the Classroom Teacher, Assignment to Alternate Achievement Center, Suspension, Expulsion, Notification of Juvenile Authorities or Law Enforcement Agencies.

The following chart lists various kinds of student behavior offenses ("Action"), consequences for committing the offenses ("Possible Consequence"), and the person who is authorized to assign punishment for the offense ("Decision Maker").

<u>Action</u>	<u>Possible Consequence</u>	<u>Decision Maker</u>
False Alarm	Suspension from school ♦ ■	Principal
Possession, distribution or sale of alcohol or controlled substance	Suspension from school ♦ ■	Principal
Vandalism **	Restitution/Suspension from school ♦ ■	Principal
Fighting	Suspension from school ♦ ■	Principal
Drug Abuse	Suspension from school ♦ ■	Principal
Theft	Alternate Achievement Center or Suspension from school ♦ ■	Principal
Arson	Suspension from school ♦ ■	Principal
Weapons Possession	As Per District Policy #5124 • ■ “Student Possession of Weapons”	Principal / Superintendent
Unexcused Absence from class	Detention, Alternate Achievement Center, ineligibility for extra-curricular activities	Assistant Principal/ Principal
Late to school/class	Detention, Alternate Achievement Center, ineligibility for extra-curricular activities	Classroom teacher/ Assistant Principal/ Principal
Inappropriate Use of Computer/Internet	As per District Policy #5170 • “Internet Acceptable Use Policy (AUP)”	Classroom teacher/ Assistant Principal/ Principal
Abusive language	Student Conferences, Detention, Parent/Guidance Conferences, Loss of Privileges, Special Assignments, Removal from Class by the Classroom Teacher, Assignment to Alternate Achievement Center, Suspension, Expulsion ■	Classroom teacher/ Assistant Principal/ Principal
Insubordination	Student Conferences, Detention, Parent/Guidance Conferences, Loss of Privileges, Special Assignments, Removal from Class by the Classroom Teacher, Assignment to Alternate Achievement Center, Suspension, Expulsion	Classroom teacher/ Assistant Principal/ Principal

<u>Action</u>	<u>Possible Consequence</u>	<u>Decision Maker</u>
Inappropriate or Unsafe Bus Behavior	Student Conferences, Detention, Parent Notification, Parent/Conferences, Removal from bus, Suspension of bus privileges ■	Principal
Plagiarism/Cheating	Student Conferences, Detention, Parent/Guidance Conferences, Loss of Privileges, Special Assignments, Assignment to Alternate Achievement Center, Suspension	Classroom teacher/ Assistant Principal/ Principal
Sexual Harassment	As per District Policy #5160 • “Sexual Harassment of Students”	Assistant Principal/ Principal

- ◆ Possible Superintendent’s Hearing
- Copies of these policies are available at the District Office, Public Library and the Principal’s office in each school.

- Notification of Juvenile Authorities or Law Enforcement Agencies

** Other consequences may be applied depending on infraction.

Section 3.4 Each school building will utilize an individualized Code of Conduct based upon this Conduct and Discipline Code. These codes are age and grade appropriate.

Article Four

Early Identification and Resolution

Section 4.1 Discipline, it has long been recognized, has implications beyond control. Discipline is a process of learning about self. Many schools have long recognized the need to lead students toward self-discipline and self-responsibility. Implicit in this recognition has been the notion that schools must trust students and have confidence in their ability to make sound judgments. Behavior, in this context means more than adherence to the disciplinary rules and regulations and extends to the formalized learning experiences, both in and out of classroom settings, throughout the school environment, including lunchroom, recess, halls, etc. which will allow students to become independent and comfortable in assuming responsibility for their behavior.

This chart identifies various sources of student misbehavior and resolutions for improvement of behavior.

<u>Sources of Student Misbehavior</u>	<u>Prevention</u>	<u>Phases of Discipline Control</u>	<u>Behavior Adjustment</u>
Casual or capricious actions	Establish fair and reasonable expectations	Use reminder, restraint disapproval	Routine Management Approaches: enforce reasonable consequences
Chronic emotional or adjustment problems	Communicate clearly the reasonable expectations	Be compassionate but firm; ascertain the syndrome of misbehavior	Behavior Modification Approaches: reinforcement of approved behavior may require referral to CSE

Student's negative attitudes toward Teacher or class	Create positive climate; consider student's perceptions, attitudes, and expectations	Be firm, fair, and considerate. Avoid anger and retaliation	Classroom Climate Approaches: assess appropriateness of teaching methods; adjust instruction and management approaches
Volatile intragroup conditions or interpersonal relations	Involve students in developing the expectations	Analyze the group dynamics; conduct a class meeting to address group problems	Group Dynamics Approaches: guide class toward ownership of its internal problems

Section 4.2 A strong and broad counseling component that provides a humanistic approach to discipline serves in helping to reduce the number of students who may be getting into difficulty. Counseling is not a cure-all, but when it is used appropriately and sufficiently, it tends to get closer to problems and create a better understanding of student behavior.

Article Five

Alternative Educational Program

Section 5.1 For those students who are unable to benefit from the learning experiences offered within the regular school program and/or whose behavior is asocial and who are deemed to be disruptive in the regular school setting, the District may offer a Special Education Class program and/or out-of-school placement as determined by the Committee on Special Education.

Section 5.2 The Special Education Class program offers opportunities for students requiring special approaches to learning and provides for the students' and/or parents' participation in determining his/her individual educational program as approved by the Committee on Special Education.

Section 5.3 The 1997 Amendments to the IDEA include specific provisions regarding the discipline of students with disabilities. The purpose of these provisions is to expand the authority of school officials to protect the safety of all students and to maintain orderly school environments while ensuring the essential rights and protections for students with disabilities.

The discipline provisions included in the IDEA and Sections 3214 of Education Law and 201 of the Regulations of the Commissioner of Education help school officials to proactively address a student's behavior in the individualized education program (IEP) development process and to respond appropriately when students with disabilities violate a school's code of conduct.

Students with disabilities are subject to a school district's discipline policies and procedures. However, there are a few situations in which general discipline policies may not apply to students with disabilities. These situations are when the school district's disciplinary policy:

- Deprives a student of his or her special education and related services;
- Constitutes a disciplinary change of placement of the IDEA; or
- Conflicts with a student's individualized education program or behavioral intervention plan.

Article Six

Guidelines

Section 6.1 Whenever possible, school personnel shall attempt to obtain the cooperation of parents in solving disciplinary problems before they become acute, and confer with the parent/legal guardian if the student's misbehavior continues. Parental responsibility is an integral part of the discipline program.

Whenever practicable, teachers shall attempt to resolve disciplinary problems in the classroom prior to referral to the Principal or his designee. Teachers shall attempt to contact parents/legal guardians whenever possible by phone or letter for this purpose, or meet with them at mutually convenient times. Whenever possible, or when so directed, disciplinary referrals by school personnel to the Principal or designee shall be in writing. The School Conduct and Discipline Code shall be provided to parents each year.

Section 6.2 This School Conduct and Discipline Code shall be filed in each school building, in the West Hempstead Library and two copies presented to the PTA and PTSA and shall be available for review by any individual.

Section 6.3 This School Conduct and Discipline Code should be reviewed annually and amended when appropriate.

Addendum to School Conduct and Discipline Code

Attendance Policy

Statement of Purpose

Attendance is a strong component of a comprehensive educational experience. Student attendance maximizes students' opportunities for learning. Improved student attendance helps improve student achievement and lowers drop out rate. This attendance policy is designed to insure that classroom attendance and participation are encouraged and valued. It will also provide for early intervention for students with attendance problems. In order for this policy to be a success, we required the cooperation of the entire education community including staff, parents, students and community.

Notification

For this policy to be a success, it is imperative that all students and parents be aware of the policy and its implications. To that end, the policy will be mailed to all students' homes annually. An orientation session will be held where the policy will be explained to students at the beginning of each school year. The policy will also be explained in the student RAM folder, which is given to all students annually.

Faculty and Staff

All faculty members will be provided with a copy of the attendance policy. The staff will receive an orientation on the attendance policy yearly at the first faculty meeting.

Intervention

There are many intervention strategies available to help students accomplish good attendance. The Assistant Principal and/or Social Worker for attendance will interview students found to have attendance irregularities. Interventions will include, but not be limited to, counseling with Guidance Counselor or appropriate support staff, closely monitoring student with the use of accountability sheets, which must be filled out daily, and parental conferences. Appropriate recommendations for improvement must be a collaboration between school and family. As such, parents are encouraged to be part of any solution to a student's attendance problem. This policy is regularly reviewed by the site-based team. They will make recommendations for changes in the policy as are deemed necessary.

Disciplinary Action

Cutting, which includes leaving school without properly signing out and arriving late without a contact from home, will result in the issuance of detention. Students who fail to attend assigned detention will be assigned to our Alternate Study Center.

Coding System

For the purpose of distinguishing among various kinds of absences, categories of absences will exist in the attendance system. These will include, but not be limited to, tardy to class, cut class, excused from class, absent without excuse, sent home excused, truant, suspended and educational trip.

Attendance Policy

1. Classroom participation shall be an integral component of a student's overall performance grade. Each marking period a percentage of the grade shall be based upon classroom participation.
2. Students are expected to attend all scheduled classes. An absence from class that is not made up will result in loss of credit for student participation in that session.
3. When students are absent from a class, they are responsible to make up any and all work missed. Any student who does not make up work will be counted as "absent/not made up." Immediately upon return from an absence, a student is responsible to get the make-up work from his/her teacher. The teacher will determine if the quality of the make-up work is adequate to negate the absence for the purpose of the policy.
4. Only students with excused absences or pre-approved absences will be permitted to make up work. Students who are absent because of truancy, cuts or unexcused absences will not be given the opportunity to make up missed work. Students will be given a "zero" for any test or quiz given on a day that they are absent because of truancy, cutting **or** unexcused absences. Excused absences include: legal absence for illness, death in the family, religious observance, required court appearances, approved college visits, class trips, approved school programs, school counseling or military obligations. Examples of unexcused absences are: missed the bus, overslept, family vacation, personal reasons etc. In addition, other reasons for absence must be given prior approval by the Principal, Superintendent of Schools, or the Commissioner of Education in order to be made up.
5. Unexcused absences count as absences pursuant to this policy. Students SHALL be given the opportunity to make up work missed for an excused or otherwise pre-approved absence within 5 days of the absence. "Students SHALL NOT be allowed to make up missed work due to cuts, truancy or unexcused absences."
6. Students who miss 20 class sessions in a full-year course or ten class sessions in a half-year course shall be denied credit for that course. Excused or approved absences may be made up by satisfying approved make-up work provided by the classroom teacher or educational designee. Students who are denied credit under the conditions of this policy shall receive an "incomplete" for the course.
7. Students may appeal the denial of credit, in writing to the principal, within 5 days of being notified. Students must continue to attend classes or see their guidance counselor for an alternate placement. Students will not be permitted to attend summer school unless they continue to attend class and do not have more than 30 total (excused or unexcused) absences (15 for semester courses).

Parent Notification of Absences

In order to keep parents apprised of student attendance, parent contact within three days will be made accordingly to the following schedule for *unexcused absence*.

- 8 absences: Teacher/Director will contact parent/guardian
- 15 absences: Guidance Counselor will contact parent/guardian and student
- 20 absences: Principal/Designee will contact parent/guardian and student

For ½ credit courses, contact will be at 6 and 10 absences.