

Syracuse City School District
Student Code of Conduct revisions
Dignity for All Students Act (“DASA”) revisions in blue text
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I. Introduction

The Syracuse City School District Board of Education (“Board”) is committed to providing a safe, civil, and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The Syracuse City School District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property and at school functions; to identify the possible consequences of unacceptable conduct; and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this code of conduct and dress code (“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.

This Code contains the Board’s efforts to implement an anti-bullying program. The Board believes that prevention is the cornerstone effort to address discrimination, bullying and harassment. Prevention of discrimination, bullying and harassment is the purpose behind applicable provisions of this Code.

II. Student Rights and Responsibilities

A. Student Rights

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

1. learn in an environment free from interruption, harassment, discrimination, intimidation and fear based on actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status.
2. Take part in all District activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status. ~~race, color, creed, national origin, religion, gender, sexual orientation, disability, or any other categories of individuals protected against discrimination by federal, state, or local law.~~

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3. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
4. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All District students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property. *This includes the responsibility to respect and treat others with tolerance and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status.*
2. Be familiar with and abide by all District policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. 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 District when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

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12. Manage and take care of their personal belongings.
13. **Abide by this Code.**

III. Expectations of the 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. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and the district.
9. Build good relationships with teachers, other parents and their children’s friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Support this Code.
14. Attend all scheduled parent conferences and be involved in school activities.

B. Teachers

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All District teachers are expected to:

1. Maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students’ self-concept and promote confidence to learn.
2. Teachers will be prepared to teach a rigorous curriculum, with clear expectations resulting in outstanding academic performance.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. 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 (aligned with the Code)
 - f. Homework policy
 - g. Attendance policy
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Support this Code and model the District's dress code. To that end, teachers must enforce this Code uniformly and fairly.
8. Model professionalism and ethical behavior at all times.
9. Confront issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function.

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10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. In a timely manner, report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher’s attention.

C. Guidance Counselors, Psychologists, and Social Workers

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, when necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Support this Code.
7. Monitor students' attendance.
8. Model professionalism and ethical behavior at all times.
9. Maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students’ self-concept and promote confidence to learn.
10. Confront issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function.
11. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
12. In a timely manner, report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention.

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D. Principals

1. Promote a safe, orderly, civil, and stimulating school environment, supporting active teaching and learning. This includes the obligation to maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students’ self-concept and promote confidence to learn.
2. Facilitate regular communications between staff and students.
3. Evaluate all instructional programs on a regular basis.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Are responsible for enforcing this Code and the dress code and ensure that all cases are resolved promptly and fairly.
6. Model professionalism and ethical behavior at all times.
7. Confront issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. In a timely manner, report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention.

E. Syracuse Information Resource Officer

Syracuse Information Resource Officers are active, certified law enforcement officers from the Syracuse Police Department assigned to specific schools or quadrants within the District. They work collaboratively with the school administrators and staff to assist with the development of procedures designed to provide a safe, positive and productive learning and working environment.

Syracuse Information Resource Officers have specific roles within the school. First and foremost, it is their role to protect students and staff by preventing criminal behavior and to deal with it thoroughly and expeditiously when it does occur. Secondly, Syracuse Information Resource Officers are in a unique position to provide guidance to the students and staff on law-

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related issues and to make referrals to the proper agencies when follow-up is required. They support the educational mission of the District by conducting student workshops on issues of public safety and the role of law enforcement.

Syracuse Information Resource Officers also have the obligation to address personal biases that may present equal treatment of all students in the school or classroom setting. They must confront issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function, and, in a timely manner, report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to their attention.

F. Superintendent

1. Promotes a safe, orderly, civil, and stimulating school environment, supporting active teaching and learning. This includes the obligation to maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students’ self-concept and promote confidence to learn.
2. Reviews with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Informs the Board about educational trends relating to student discipline.
4. Works to create instructional programs that minimize problems of misconduct and are sensitive to student, parent, teacher, and administrator needs.
5. Works with district administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.
6. Models professionalism and ethical behavior at all times.
7. Confronts issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function.
8. Addresses personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. In a timely manner, reports incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to his/her attention.

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G. Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually this Code in order to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board meetings in a professional, respectful, civil, and courteous manner.
4. Maintain a climate of mutual respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students' self-concept and promote confidence to learn.
5. Confront issues of bullying, discrimination, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on School Property or at a School Function.
6. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
7. In a timely manner, report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to its attention.
8. Annually designate an individual at each school to act as Dignity Act Coordinator. These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other protected status.

H. Dignity Act Coordinators

The Dignity Act Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including, but not limited to:

- Professional development of staff members;
- The complaint process; and
- Support of the Dignity Act's civility curriculum components.

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The Dignity Act Coordinators are available to speak with any person who has witnessed possible discrimination, harassment, bullying, or retaliatory conduct, or with anyone who has experience treatment that may be prohibited discrimination, harassment, bullying, or retaliatory conduct.

The District’s Dignity Act Coordinators are listed on the District’s website by school and posted at each school.

IV. Student Dress Code

A. Personal Appearance

1. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students will not be required to dress in a fashion that would violate their religious or ethnic beliefs. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.
2. Because no list can be exhaustive nor can it anticipate all situations, building administrators will interpret and apply the dress code. Administrators shall apply the dress code fairly and impartially.
3. A student's dress, grooming and appearance including bandanas, hair style/color, jewelry, make-up, and nails shall:
 - a. Be safe, appropriate and not disrupt or interfere with the educational process.
 - b. Exclude extremely brief garments such as, but not limited to, tube tops, net tops, halter tops, spaghetti straps, muscle shirts, plunging necklines (front and/or back) and see-through garments without sufficient under-clothing. When concerning dresses, skirts and shorts: The length of a skirt, dress or shorts must be a minimum of half the distance between the fingertips and the top of the knee when the student's hand is fully extended down the side of the student's leg.
 - c. Ensure that underwear is completely covered with outer clothing; therefore, pants will be at waist level.
 - d. Students must wear footwear at all times. Footwear that is a safety hazard will not be allowed (for example, dragging laces).

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- e. Not include the wearing of hats, hoods or scarves/bandanas except for a medical or religious purpose (Matter of Jimenez, 9 Ed. Dept., Rep. 172).
 - f. Not include items that are vulgar, obscene, libelous or denigrate others on the basis of actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status
 - g. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
 - h. Not depict or suggest association with a gang or cult.
4. While school authorities may require students participating in physical education classes to wear certain types of clothing, such as sneakers, white socks, shorts, tee shirts, there should be no specific brand required.

B. Dissemination of Dress Code Expectations

Each principal or his/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. Schools may modify dress code with the approval of the Superintendent and the Board of Education.

C. Consequences of Violating the Dress Code

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending items, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to a progressive model of discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

V. Student Behavior Code of Conduct

A. District's Philosophy of Discipline

- 1. Maintaining appropriate behavior within a school is essential to the instructional process. The Board acknowledges that this is a cooperative effort that involves the student, the teacher, the administrators and the parents.
- 2. Effective discipline results in a student's demonstration of, and responsibility for, socially appropriate behavior in a variety of school community real life situations.

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Effective discipline is accomplished by adults and students building on the following tenets:

- a. All individuals recognize a need to do what is socially appropriate in a situation.
 - b. **An individual is in control of his or her behavior.**
 - c. Students may need assistance to analyze, reflect, and address their behavior in the school and the community.
 - d. The individual’s internal controls over his or her behavior grow through strong and wholesome relationships with family, adults and peers.
 - e. Socially acceptable behavior is nurtured through teaching, modeling and interventions.
 - f. Rules are necessary as external controls that establish guidelines for behaviors.
3. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is 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 self-discipline.
4. 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:
- a. The student’s age.
 - b. The nature of the offense and the circumstances which led to the offense.
 - c. The student’s prior disciplinary record.
 - d. The effectiveness of other forms of discipline.
 - e. Information from parents, teachers and/or others, as appropriate.
 - f. Other extenuating circumstances.
5. **As a general rule, discipline will be progressive. This means that a student’s first violation will usually merit a lighter penalty than subsequent violations. However, nothing in this Code prohibits the District from taking actions that are appropriate to maintain a safe and orderly educational environment.**

The procedure for disciplining students with disabilities, or students suspected of having a disability, is set forth in Section **IX**.

B. Definitions Pertaining to Code of Conduct

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For purposes of this Code, the following definitions apply:

“**Bullying**” - see “**Harassment/Bullying**”, below.

“**Color**” means the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“**Cyberbullying**” means “**harassment**” or “**bullying**”, where such harassment or bullying occurs through any form of electronic communication. Cyberbullying may occur via electronic communication on the Internet, on cellular phones or via other electronic media. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar or threatening messages or images; posting sensitive, private information about another person; and pretending to be someone else in order to make that person look bad. Cyberbullying involving District students may occur on School Property, or off School Property. It may involve student use of the District internet system, or student use of personal digital services including, but not limited to: cell phones, digital cameras, personal computers and electronic tools.

Cyberbullying could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to, or loss of, personal property; and/or
- Interfering with a student’s educational performance and/or denying or limiting a student’s ability to participate in or to receive benefits, services or opportunities in District programs.

“**Denial of Bus Transportation**” means the temporary or permanent withholding of bus transportation. During the period of denial of school bus transportation, parents or legal guardians are responsible for transporting the student to and from school.

“**Denial of Driving Privileges**” means the removal of permission to drive on school property for a specified period of time.

“**Detention**” means an established time outside of the regular instructional time when a student is detained in a supervised area.

“**Dignity Act Coordinator**” means an individual designated by the Board pursuant to the Dignity for All Students Act.

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

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

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

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

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

“Ethnic Group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

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

“Gender Identity and Expression” means the way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual’s sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal, and is not necessarily visible to others.

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“Harassment” and **“Bullying”** shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in this Code and under Education Law §11(8), that either (1) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonable causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or cause a student to fear for his or her physical safety. Such definition includes acts of harassment or bullying that occur:

- (a) On school property;
- (b) At a school function;
- (c) Off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status. This is not an exhaustive list.

For the purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Hazing” is a form of harassment among students defined as any humiliating or dangerous activity expected of a student in order to join a group or be accepted by a formal or informal group, regardless of the student’s willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:

- (a) Humiliation: socially offensive, isolating or uncooperative behaviors;
- (b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
- (c) Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.

The term “hazing” includes, but is not limited to: any activity that intimidates or threatens a student with ostracism, or adversely affects the health or safety of the student; or any activity that cause or requires the student to perform a task or act that is a violation of state or federal law or District policies/regulations.

“Material Incident of Harassment, Bullying, and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment

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or bullying that occur off school property. A Material Incident of Harassment, Bullying and/or Discrimination is the subject of a written or oral complaint to the Superintendent, principal or their designee, or other school employees. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

“**National Origin**” means a person’s country of birth or their ancestor’s country of birth.

“**Parent**” means the biological, adoptive, or foster parent, guardian or person of record in parental relation to a student.

“**Police Notification**” means the reporting of an illegal act to a law enforcement agency.

“**Race**” means a description of a geographically local or global human population group distinguished as a more or less distinct group by genetically transmitted physical characteristics.

“**Religion**” means either religious or spiritual belief or preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.

“**Religious Practice**” means attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities. Determining whether a practice is religious turns not on the nature of the activity, but on the person’s motivation.

“**School Bus**” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. Education Law §(1) and Vehicle and Traffic Law §142.

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

“**School function**” means any school-sponsored extra-curricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by the District, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other District-sponsored trips. Education Law § 11(2).

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

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- (a) When on School Property, commits an act of violence upon school personnel, a student or a visitor ~~employee~~, or attempts to do so.
- (b) ~~Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.~~ Possesses, displays, or threatens the use of a weapon, bomb or dangerous instrument capable of inflicting physical injury or death; or
- (c) Damages or destroys property of staff, student or District.

“**Weapon**” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, sandbag or sandclub, loaded or blank cartridges, 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.

“**Weight**” means a reference to a person’s size.

C. Code Violations Reporting

- 1. Student Reporting Responsibility.** All students are expected to promptly report violations of the Code to a teacher, guidance counselor, 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 this information immediately to a teacher, the principal, the principal’s designee or the Superintendent.
- 2. Staff Reporting Responsibility.** All District staff that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction..
- 3. Police Notification shall be in accordance with Article X, below.**
- 4. Reporting requirements Specific to Discrimination, Harassment, Bullying, Cyberbullying and Retaliation.**
 - a. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment, bullying and retaliation, and will promptly take appropriate action to

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protect individuals from further discrimination, harassment, bullying and retaliation.

- b. It is essential that any student who believes that he/she has been subjected to discrimination, harassment, bullying or retaliatory conduct, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report the same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects discrimination, harassment, bullying or retaliatory conduct) shall document and take appropriate action to address the situation immediately and shall promptly report in accordance with the following paragraphs.
 - i. The appropriate building Principal is the employee charged with receiving all reports of harassment, bullying, discrimination or retaliation; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. In the event that the Principal was the alleged offender, the report shall be directed to the Superintendent.
 - ii. All complaints of alleged discriminatory, harassing, bullying or retaliatory conduct shall be:
 - Promptly investigated in accordance with the terms of the this Code of Conduct;
 - Forwarded to the building Dignity Act Coordinator for monitoring; and
 - Treated as confidential and private to the extent possible within legal constraints.
- c. Upon receipt of a complaint (even an anonymous complaint), or if a District employee otherwise learns of any occurrence of possible conduct prohibited by this Code, the District employee shall promptly and orally notify the appropriate building Principal no later than one school day after such employee witnesses or receives the complaint or learns of such conduct. Such employee shall also file a written report with the appropriate building Dignity Act Coordinator no later than two school days after making such oral report.
- d. After receipt of such complaint, the appropriate building Principal, or his/her designee, shall lead or supervise a thorough investigation of the alleged discriminatory, harassing, bullying, or retaliatory conduct. The appropriate building Principal or that person’s designee shall ensure that such investigation is completed promptly and in accordance with the terms of this Code. All complaints shall be treated as confidential and private to the extent possible within legal constraints.
- e. Based upon the results of the investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated this Code, or a material incident of harassment, bullying,

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discrimination and/or retaliatory conduct has occurred, immediate corrective action will be taken as warranted. The District will take prompt action reasonably calculated to end the violation, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such violation was directed.

- f. The building principals shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying and/or discrimination to the Superintendent of Schools.

5. Prohibition of Retaliation.

Any person having reasonable cause to suspect that a student has been subjected to discrimination, harassment, or bullying by an employee or a student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the Commissioner of Education, or to law enforcement authorities, or otherwise initiates, testifies, participates in, or assists in any formal or informal proceedings in connection with an investigation of alleged violation(s) of this Code of Conduct, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating in, or assisting in, such formal or informal proceedings. Relatedly, neither the BOCES, nor an employee or student thereof, shall take, request, or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.

D. Discipline Authority

Students who are found to have violated the Code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student’s right to due process and the disciplinary action rubric set forth in this Code.

- Oral warning – any member of the district staff.
- Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teaching assistants, teachers, deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teaching assistants, teachers, deans of students, administrative interns, vice or assistant principals, principals, , superintendent.

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- Detention – teachers, deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- Suspension from transportation – director of transportation, deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- Suspension from athletic participation – coaches, deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- Suspension from social or extracurricular activities – activity director, principals, superintendent.
- Suspension of other privileges – deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- In-school suspension – deans of students, , vice or assistant principals, principals, superintendent.
- Removal from classroom – teachers, deans of students, administrative interns, vice or assistant principals, principals, superintendent.
- Short-term (five days or less) suspension from school – principals, superintendent, Board of Education.
- Long-term (more than five days) suspension from school – superintendent, Board of Education.
- Permanent suspension from school – superintendent, Board of Education.

E. Corporal Punishment Statement

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

Under such circumstances, the use of physical force shall not be deemed a form of corporal punishment.

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

VI. Prohibited Student Conduct

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students’ ability to self-discipline. The Board 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 to 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, for the behavior described below. The Board recognizes that some conduct may fall under more than one of the below categories. For example, a student’s failure to follow a reasonable directive can constitute both disruptive behavior, as well as insubordination. For that reason, certain conduct is listed under multiple categories. While a student may not be disciplined more than once for a particular act, the District may consider the fact that particular acts qualify as various forms of misconduct when imposing a punishment.

A. Student conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

- *Bullying/Discrimination/Harassment/Retaliation*, which, as defined in this Code, includes verbal or physical taunting, bullying, cyberbullying, discrimination, harassment or retaliatory conduct.
- *Defiance/severe insubordination*, which is a separate offense from insubordination, includes an intentionally defiant behavior or attitude and resistance to the authority of an administrator.
- *Disrespectful behavior*. Examples of disrespectful behavior include, but are not limited to:
 - Failure to comply with the reasonable directive of teachers, administrators, or other school personnel.
 - Using language or gestures that are profane, lewd, vulgar or abusive.
- *Disruptive behavior*. Examples of disruptive behavior include, but are not limited to:
 - Bringing in unauthorized pets or animals.
 - Careless or reckless behavior, which includes intentional or unintentional behavior that threatens to, or causes, personal injury or property damage. Examples of careless or reckless behavior include, but are not limited to, shoving and horseplay.

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- Engaging in any willful act which disrupts the normal operation of the school community. This includes inappropriate behavior such as language, gestures or actions that incite, produce distractions or disruptions, which after appropriate behavior interventions, seriously or repeatedly interfere with effective functioning of a teacher, another student, class, or any school activity. This does *not* include insubordination or defiance/severe insubordination, which are separate offenses.
 - Making unreasonable noise.
 - Obstructing vehicular or pedestrian traffic.
 - Running in hallways.
- *Inappropriate Item/Material*, which includes using or possessing an inappropriate item or material includes using or possessing written language, clothing, electronic messages, pictures and objects considered to be offensive or not suitable for an educational setting.
- *Insubordination*, which includes verbal or non-verbal refusal to comply with a reasonable request by a teacher or other staff member. This does not include defiance/severe insubordination, which is a separate offense.
- *Misuse of technology* does not include severe instances of technology misuse, which are categorized as a separate offense. When the misuses of technology involves cyberbullying, it will also be treated as an instance of bullying/harassment.
- *Misuse of technology – severe* includes situations in which a student or students deliberately tamper with, damage, alter, access, crash, or corrupt the computer or communications system for a class, school or the District resulting in the loss or corruption of information, the ability of the system to operate, or in any way disrupts or degrades the school or District’s technology infrastructure.
- *Threats to the orderly school process*, which includes a verbal, written or physical threat to commit any act likely to result in death or serious injury to persons, groups, communities, assemblages or property, including, but not limited to, false statements or actions likely to cause evacuation of a building, place or assembly or facility of public transportation. This also includes statements, behavior or acts made that are likely to cause serious inconvenience or in reckless disregard of the risk of causing terror or serious inconvenience. This includes, but is not limited to, bomb threats, false alarms, and terroristic threats.
- *Trespassing*. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- *Unauthorized use of electronic and other devices*. This includes the use or misuse of any of the following on school premises during the school hours of any school day: electronic communication devices, cellular phones, pocket pagers, laser pointers, digital devices (iPods, MP3 players, etc.), electronic games and other materials designated by staff as disruptive or potentially disruptive. Misuse includes, but is not limited to, texting, sexting, blogging, verbal comments,

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graphic and symbolic communication, written communication via email, instant messaging, blogging, and posting in web sites. Students may not engage in electronic communication which demeans or ridicules on the bases of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or any other legally protected status (cyberbullying). Failure to give an electronic device to school personnel when asked to do so will be considered insubordination, and will be treated as a separate offense.

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

- *Class cutting*, which includes an unexcused absence from a class without authorization or approved reason.
- *Defiance/severe insubordination*, which is a separate offense from insubordination, includes an intentionally defiant behavior or attitude and resistance to the authority of an administrator.
- *Failure to attend detention or Saturday School.*
- *Failure to comply with the reasonable directive of teachers, administrators, or other school personnel.*
- *Forgery*, which includes the act of forging a signature or using something written falsely to deceive.
- *Insubordination*, which includes verbal or non-verbal refusal to comply with a reasonable request by a teacher. This does not include defiance/severe insubordination, which is a separate offense.
- *Lateness to class.* Students are considered late to class after the final bell. Excessive lateness, which is defined as fifteen (15) minutes or more, shall constitute a class cut. Students shall be subject to a consequence for every third documented late to class.
- *Leaving school without authorization.* Once a student arrives at the school campus the student may not leave unless authorized to do so.
- *Unauthorized presence in any prohibited school area.*

C. Student conduct that is violent. Examples of violent conduct include, but are not limited to:

- *Assault on a student*, which includes a reckless or intentional physical attack using force on a student resulting in physical injury.
- *Assault on staff*, which includes a reckless or intentional physical act using force upon a staff member resulting in physical injury.
- *Fighting*, which includes aggressive, physical conflict between two or more individuals, including, but not limited to, punching and slapping.

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- *Instigating*, which includes behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals. Instigation may involve the use of technology.
 - *Offensive touching of another student*, which includes an intentional act taken against a student with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.
 - *Offensive touching of staff*, which includes an intentional act taken against a staff member with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.
 - *Rape or attempted rape*, which includes forced or attempted forced sexual contact without the consent of the victim.
 - *Robbery*, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon.
 - *Weapons/Dangerous Instruments*
 - *Possession/concealment/sale of a dangerous instrument*. Regardless of possessor’s intent, any unauthorized possession/concealment/sale of an instrument, article or substance which is readily capable of causing serious physical injury or death, is prohibited. If the full blade of the knife is less than two and a half (2 ½) inches, it will be considered a dangerous instrument.
 - *Possession/concealment/sale of a weapon or deadly weapon*. Regardless of possessor’s intent, any possession/concealment/sale of a weapon or deadly weapon is prohibited. The weapon/deadly weapon list includes, but is not limited to, firearms, pellet guns (hard and soft), BB guns, air guns, bombs, electric weapons, projectile devices, knives with a full blade measuring two and a half (2 ½) or more inches, switch-blade knives, mace, pepper gas, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, razor blades, box cutter, Xacto knives, bicycle chain, ice pick, Taser, and non-functional weapons. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.
- D. Student conduct that endangers the safety, morals, health or welfare of others.** Examples of such conduct include, but are not limited to:
- *Alcohol*
 - *Distribution*, which includes the sale, transfer or distribution in school, on school property, or on school field trips, of alcohol.

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- *Use or possession*, which includes, regardless of the possessor’s intent, the possession on his or her person or among his or her personal belongings, or consumption, of alcohol.
- *Arson*, which includes an act utilizing fire, smoke, or explosives which cause alarm or danger to life, including, but not limited to, willful or malicious burning of school property, its contents, or the property of others.
- *Breaking and entering*, which includes unauthorized entry of any locked area of a school during or after school, including, but not limited to, rooms, classrooms, auditorium, gym, shops, offices, cafeteria, lockers, desks, closets and cabinets.
- *Bullying/Discrimination/Harassment/Retaliation*, which, as defined in this Code, includes verbal or physical taunting, bullying, cyberbullying, discrimination, harassment or retaliatory conduct.
- *Careless or reckless behavior*, which includes intentional or unintentional behavior that threatens to, or causes, personal injury or property damage. Examples of careless or reckless behavior include, but are not limited to, shoving and horseplay.
- *Criminal Mischief/Vandalism*, which includes the destruction or defacing of school property or the property of others, including the unauthorized altering/tampering or vandalism to school-owned electronic equipment and software.
- *Drugs or drug paraphernalia*
 - *Distribution*, which includes the sale, transfer or distribution in school, on school property, or on school field trips of drugs, drug-like substances, look-alike substances, prescription drugs, over-the-counter drugs, inhalants, and synthetic drugs. Regardless of the possessor’s intent, possession of excessive amounts of drugs as defined here is considered possession with the intent to sell.
 - *Use or possession*, which includes, regardless of the possessor’s intent, the possession on his or her person or among his or her personal belongings, or consumption, of drugs, drug-like substances, look-alike substances, prescription drugs, over-the-counter drugs, inhalants, and synthetic drugs. This includes being under the influence, even if the use or consumption occurred off school grounds. Regardless of the possessor’s intent, possession of excessive amounts of drugs or alcohol as defined here is considered possession with the intent to sell and will be treated as distribution of drugs/alcohol/paraphernalia.
- *Fire Alarm Tampering*, which includes tampering with any fire safety device, including false activation.
- *Gambling*, which includes participation in games of chance, including, but not limited to, card playing for money and/or other things of value.
- *Inappropriate Item/Material*, which includes using or possessing an inappropriate item or material includes using or possessing written language, clothing, electronic messages, pictures and objects considered to be offensive or not suitable for an educational setting.

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- *Instigating*, which includes behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals. Instigation may involve the use of technology.
- *Misuse of technology* does not include severe instances of technology misuse, which are categorized as a separate offense. When the misuses of technology involves cyberbullying, it will also be treated as an instance of bullying/harassment.
- *Misuse of technology – severe* includes situations in which a student or students deliberately tamper with, damage, alter, access, crash, or corrupt the computer or communications system for a class, school or the District resulting in the loss or corruption of information, the ability of the system to operate, or in any way disrupts or degrades the school or District’s technology infrastructure.
- *Offensive touching of another student*, which includes an intentional act taken against a student with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.
- *Offensive touching of staff*, which includes an intentional act taken against a staff member with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.
- *Reckless burning*, which includes intentionally or recklessly starting a fire or causing an explosion, and recklessly placing a building or property in danger of destruction or damage, or placing another person in danger of physical injury.
- *Reckless driving*, which includes driving any vehicle with willful and wanton disregard for the safety of persons or property on school property or in a school zone.
- *Sexual Offenses:*
 - *Inappropriate sexual behavior*, which includes, but is not limited to, physical touching of intimate body parts of another or one’s self. Consensual acts of intimacy are not appropriate in an educational setting and are prohibited.
 - *Sexual harassment*, which includes a threat to engage in conduct likely to result in the commission of a sexual offense against another individual. The sexual harassment offender suggests, solicits, requests, commands, demands or otherwise attempts to induce another individual to have sexual contact or sexual intercourse or unlawful sexual penetration knowing that it is likely to cause annoyance, offense or alarm to that individual.
 - *Rape or attempted rape*, which includes forced or attempted forced sexual contact without the consent of the victim.
- *Theft and related offenses:*
 - *Extortion or theft using coercion*, which includes obtaining money or property from another student through coercion, intimidation or threat of physical harm.

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- *Robbery*, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon.
- *Theft/possession/transfer of stolen goods*, which includes the act of possessing or transferring the property of another without the consent of the owner.
- *Threatening behavior:*
 - *Threats to the orderly school process*, which includes a verbal, written or physical threat to commit any act likely to result in death or serious injury to persons, groups, communities, assemblages or property, including, but not limited to, false statements or actions likely to cause evacuation of a building, place or assembly or facility of public transportation. This also includes statements, behavior or acts made that are likely to cause serious inconvenience or in reckless disregard of the risk of causing terror or serious inconvenience. This includes, but is not limited to, bomb threats, false alarms, and terroristic threats.
 - *Threatening behavior*, which includes a threat to engage in menacing behavior that is violent or sexual in nature to an individual, not a group, without physical contact, that would cause a reasonable person offense, annoyance or alarm.
- *Tobacco-related offenses*, which include smoking or possession of tobacco or tobacco products, at school functions, on school property, or on school field trips. Possession includes, but is not limited to, on a student’s person, in a student’s belongings, or under reasonable control by placement of, or knowledge of, its placement.
- *Using language or gestures that are profane, lewd, vulgar or abusive.*
- *Weapons/Dangerous Instruments*
 - *Possession/concealment/sale of a dangerous instrument*. Regardless of possessor’s intent, any unauthorized possession/concealment/sale of an instrument, article or substance which is readily capable of causing serious physical injury or death, is prohibited. If the full blade of the knife is less than two and a half (2 ½) inches, it will be considered a dangerous instrument.
 - *Possession/concealment/sale of a weapon or deadly weapon*. Regardless of possessor’s intent, any possession/concealment/sale of a weapon or deadly weapon is prohibited. The weapon/deadly weapon list includes, but is not limited to, firearms, pellet guns (hard and soft), BB guns, air guns, bombs, electric weapons, projectile devices, knives with a full blade measuring two and a half (2 ½) or more inches, switch-blade knives, mace, pepper gas, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, razor blades, box cutter, Xacto knives, bicycle chain, ice pick, Taser, and non-functional weapons. Also, any dangerous instrument, as defined in this Code, will be considered a weapon/deadly weapon when

used, displayed in a threatening manner, or attempted to be used, to cause death or serious physical injury.

E. Inappropriate bus behavior.

It is crucial for students to behave appropriately while riding on district 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, pushing, shoving, and fighting will not be tolerated. Inappropriate bus behavior includes, but is not limited to, behavior which produces distractions, or disturbances which after appropriate behavior interventions seriously or repeatedly interferes with the bus driver, cause unsafe conditions, or disrespect to the driver.

Minor disruption on the bus, such as eating, drinking, being too loud, or standing, will result in Level 1 or Level 2 Responses, including denial of bus transportation. Serious disruptions may result in Level 2, Level 3 or Level 4 Responses, including denial of bus transportation.

F. Student involved in any form of academic misconduct. Academic misconduct includes, but is not limited to, the act or instance of deception in preparing or presenting course work or class assignments as a student’s own authentic work when it is not. Examples of academic misconduct include, but are not limited to:

1. Plagiarism, which means presenting quotations, words, or ideas without proper reference or credit.
2. Copying another student's work and presenting it as one’s own. The student sharing the information may be subject to the same consequences as the person who turned in the work as his or her own.
3. Cheating/unauthorized use of notes/electronic devices or sharing answers during a test or examination.
4. Altering records.
5. Assisting another student in any of the above actions.

The examples of academic misconduct also apply to electronic information retrieved from the internet.

VII. Disciplinary Penalties, Procedures, and Referrals

A. General Rules

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1. The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed.
2. In all cases, **except those involving criminal conduct**, 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.
3. As required under the No Child Left Behind (“NCLB”) legislation, student discipline referrals will be kept on file for a period of six years. Such information is confidential.
4. Individual circumstances may be taken into consideration when determining the appropriate penalty, which can include
 - The student’s age.
 - The student’s grade in school.
 - The student’s prior disciplinary record, but only after it has been determined that the student has violated the Code.
 - The administrator’s belief that other forms of discipline may be more effective.
 - Input from parents, teachers and/or others.
 - Other extenuating circumstances.
5. A student with a disability may be disciplined only in accordance with the requirements of state and federal law. Special rules for students with disabilities are set forth in Section IX.

B. Levels of Response

1. There are four potential levels of response for behavior prohibited by this Code. A level of response attaches to each prohibited behavior. The individual with authority to impose a response should use only the levels suggested for each behavior, and if the behavior is assigned to two or more levels, then the lowest level of intervention and disciplinary response should generally be used first.
2. The levels of response are set forth in the chart attached as Exhibit **■**.
3. The responses associated with particular behaviors are set forth in the chart attached as Exhibit **■**.

C. Procedures for Enacting Penalties

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1. 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, the facts surrounding the alleged misconduct. All students will have an opportunity to present their **evidence** prior to the imposition of the penalty.

2. Detention or Saturday School

Authorized staff may use after school detention as a penalty for student misconduct in.

Detention will be imposed as a penalty only after the student’s parent/guardian has been notified.

3. Denial of Bus Transportation

If a student engages in inappropriate bus behavior, the bus driver will bring such misconduct to the principal’s attention. Students who repeatedly engage in inappropriate bus behavior, or who engage in a single but severe instance of inappropriate bus behavior, may have their riding privileges suspended by an authorized staff member. ***In such cases, the student’s parent/guardian will become responsible for seeing that his or her child gets to and from school safely.*** Should the denial of bus transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student’s education. Depending on the length of the denial of bus transportation, a mutual decision will be made between the parent and administrator on how school work will be provided to the student. If the parent cannot get the child to school, then the following options may be considered:

- School work may be sent home with a sibling or picked up by the parent;
- A school designee may bring the school work to the student's home; or
- For extended periods, homebound education may be provided.

A student subjected to denial of bus transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent/guardian will be provided with a reasonable opportunity for an informal conference with the appropriate party to discuss the conduct and the penalty involved.

The Syracuse Police Department will be contacted in situations where the student’s conduct on the bus may constitute a crime.

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The following procedures may be invoked once a student has been permanently denied bus privileges:

- Regarding infractions of bus conduct, the student may be returned to the home school on or before March 15 when feasible. Determination shall be made by the Pupil Services Department.
- Student may be issued a permanent Centro bus pass if old enough (generally grade 3 would be the earliest age.)
- There are cases where it may not be feasible for the student to be returned to home school or take the city bus and the parent/guardian is unable to provide transportation. In these cases, the building administrator should contact the Director of Pupil Services, to arrange a transportation hearing. This hearing will be attended by the parent/guardian, building administrator, representative from the Transportation Department. Based on the hearing, the Director of Pupil Services will determine the best alternative.
- Students with disabilities will be handled on a case-by-case basis.

Rules/Regulations Governing Bus Passes:

Elementary, Middle and Secondary Schools Using Bus Passes

Bus passes issued to students are the sole possession of the Syracuse City School District and students using these passes are subject to the rules and regulation of the school district. The bus pass may be revoked if a student violates the rules and regulations.

The only purpose of this pass is to provide transportation to and from school. Any abuse of this pass may result in the school district revoking this privilege.

Should this action become necessary, it is the parent/guardian’s responsibility to provide transportation to and from school.

4. Suspensions

- a. Suspension from athletic participation, extracurricular activities and other privileges

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

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b. **In-school suspension**

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes deans of students, administrative interns, vice principals, principals, directors, executive directors, chiefs, assistant superintendents and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension.” The in-school suspension class will be supervised by certified staff.

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/guardian will be provided with a reasonable opportunity for an informal conference with the district official with authority to impose the in-school suspension to discuss the conduct involved and the penalty.

c. **Suspension from school**

Suspension from school shall be imposed in accordance with the requirements of applicable law and this Code.

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, moral character, physical or mental health, or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the principals.

Any staff member may recommend to the Superintendent or the principal that a student be suspended. 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 Superintendent or 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.

(1) **Short-term (5 days or less) suspension from school**

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When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parent/guardian in writing that the student may be suspended from school. Notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent/guardian.

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/guardians of the right to request an immediate informal conference with the suspending authority where the parents/guardians, upon request, shall be permitted to ask questions of complaining witnesses under such procedures as the suspending authority may establish. The notice and opportunity for informal conference shall be provided prior to the suspension unless the student’s continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption. Where the student’s continuing presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption, the student may be immediately suspended and the notice and informal conference shall be afforded as soon as reasonably practicable. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents/guardians. If the informal conference is requested, it will be scheduled at the earliest convenience of the suspending authority.

After the conference, the suspending authority shall promptly advise the parents/guardians of his or her decision, which may be in writing. The suspending authority shall advise the parents/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/guardians are not satisfied with the Superintendent’s decision, they must file a written appeal to the Board with the District Clerk within 10 business days of the date of the Superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

Positive Alternative to Student Suspension (PASS): The PASS Program is available for any student who has been suspended out of school for less than five days. Students have the opportunity to make up and complete work while on suspension in the program. In most schools, PASS operates each day after school. PASS is offered two hours per day for secondary students and one hour per day for elementary students. Students are offered the opportunity to attend the PASS Program at the time of suspension.

(2) Long-term (more than five days) suspension from school

When the Superintendent, or his/her designee, determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents/guardians of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. If the Board determines to conduct the fair hearing itself, it must provide the required notice of hearing.

The Superintendent may personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof. The Superintendent shall render a written determination.

An appeal of the decision of the Superintendent may be made to the Board. The Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent’s decision, unless the parents/guardians can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the

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superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

(3) Permanent suspension

Permanent suspension is reserved for extraordinary circumstances including, but not limited to, where a student’s conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

5. Teacher Removal of Disruptive Student

a. Classroom Management/Student Removal

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 an elementary classroom or in an administrator’s office; (2) sending a student to the principal’s office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

b. Removal of Disruptive Student

On occasion, a student’s behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher’s authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the teacher’s classroom behavior rules.

A classroom teacher may remove a disruptive student from class. The duration shall be determined by mutual discussion between the principal

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and teacher, and the removal will not exceed two days (48 hours). If a mutual consensus is not reached, then the student will be removed for one day (24 hours). The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide 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 why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher must complete a District-established disciplinary removal form and meet with the principal 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 designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal must notify the student's parents/guardians, by telephone and in writing, that the student has been removed from class and the reason(s) why. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the principal or an administrator to discuss the reasons for the removal.

The written notice must be postmarked within 24 hours of the student's removal to the last known address for the parents/guardians. 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/guardians. The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the administrator must explain why the student was removed and give the student and the student's parents/guardians a chance to present the

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

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

- The charges against the student are not supported by substantial evidence.
- The student’s removal is otherwise in violation of law, or this Code t.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee 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-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 provided by the classroom teacher until he or she is permitted to return to the classroom.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or another school administrator that the removal will not violate the student’s rights under state or federal law or regulation. For additional information, refer to Section IX, "Students with Disabilities."

6. Referrals

a. Counseling/Social Workers/Psychologists.

Social Worker, Psychologist, or Guidance Office shall handle all referrals of students to counseling.

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b. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

c. Juvenile Delinquents and Juvenile Offenders

In accordance with Education Law Section 3214(3)(d), where a student has been determined to have brought a weapon (as defined in the Education Law) to school, the superintendent is required to refer such student under the age of 16 to the County Attorney, except for any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42). The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

VIII. Alternative Instruction

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

IX. Discipline of Students with Disabilities

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply.

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

A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative

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educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

a. The board, the district (BOCES) superintendent of schools, superintendent or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if (i) the student carries or possesses a weapon to or at school, school premises or to a school function, or (ii) the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function, or (iii) the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function..

1) “Weapon” means the same as “dangerous weapon” under 18 U.S.C. § 930(g)(w) which includes “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length.”

2) “Controlled substance” means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

3) “Illegal drugs” means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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4) “Serious bodily injury” means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

5) Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

B. Change of Placement Rule

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

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury.

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

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

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

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
 - b. Conduct a manifestation determination review of the relationship between the student’s disability and the behavior subject to disciplinary action whenever a decision

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is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - 1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - 2) the parent of the student has refused services; or
 - 3) the parent of the student has not allowed an evaluation of the student pursuant to Section 200.4 of the Commissioner’s Regulations.If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.
3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

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4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner’s regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student’s disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner’s regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner’s regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student’s behavior was not a manifestation of the student’s disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student’s disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student’s placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

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2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

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

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student’s placement.
2. The superintendent shall provide copies of the special education and disciplinary records of a student with disabilities for consideration to the appropriate authorities to whom a crime is reported, to the extent consistent with the Federal Educational Rights and Privacy Act.

X. Student Searches and Interrogations for Code of Conduct Violations

A. “Miranda” Warnings. The Board 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 this Code. Students are not entitled to any sort of “*Miranda*”-type warning before being questioned by school officials who are not acting on behalf of police officials, nor are school officials required to contact a student’s parent/guardian before questioning the student. However, school officials will tell all students why they are being questioned.

B. Searches.

1. Reasonable suspicion required. The Board authorizes the superintendent, principals, designated school personnel, and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or this Code. School personnel may only conduct searches that are reasonably related to the objectives of the search and that are not excessively intrusive. Individual searches of students must take into account the age and the nature of the infraction and must be conducted by personnel of the same sex.
2. Scope of Search. 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.

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3. Use of informants. 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 district 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. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.
4. Actions prior to search. Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or this Code, or ask the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Searches will not be conducted for the sole purpose of practice or to acclimate students to being searched at school.
5. Location of search. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched. Under no circumstances shall a student be strip searched.

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

D. Documentation of Searches

1. The authorized school official conducting the search shall be responsible for promptly recording the following information about each search, utilizing the form attached as Appendix [insert letter]:
 - Name, age and grade of student searched.
 - Reasons for the search.
 - Name of any informant(s).
 - Purpose of search (that is, what item(s) were being sought).
 - Type and scope of search.
 - Person conducting search and his or her title and position.
 - Witnesses, if any, to the search (strongly suggested to have a witness present).
 - Time and location of search.
 - Results of search (that is, what item(s) were found).

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- Disposition of items found.
 - Time, manner and results of parental notification.
2. The principal or the principal’s designee shall be responsible for the custody, control and disposition 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(s) is turned over to law enforcement. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to law enforcement authorities. If contraband or an illegal object is found as a result of the search and a Superintendent’s Hearing is held, the documentation of the search is sent to the Hearing Office.
 3. A copy of each completed form will be placed in the designated file kept in the office of the Principal or designee at each school.
 4. In grades Pre-K-5th, parents or guardians will be contacted by phone within 24 hours or as soon as practicable after the search. In grades 6th-12th, reasonable efforts shall be made within 24 hours to contact parents or guardians by phone. If a parent is unavailable by phone, a letter may be sent to the parents’ residence.

Remove the following from the Handbook and include it as an appendix, as noted in paragraph D(1), above:

Documentation of Searches

Whenever a search is conducted on an individual student, the following form must be completed and filed in a separate folder. If an illegal object or contraband is found, use this form to send to the Hearing Officer.

Name of Student _____

Date _____

Grade _____ Age _____

Time of Search _____

Location of Search _____

Reason for Search _____

Scope of Search (Please check those that apply)

Emptied pockets _____

Searched backpack _____

Searched locker _____

Other (Please explain): _____

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Person Conducting Search

Principal _____

Asst. Principal _____

Other _____

Witness to Search (if any)

Principal _____

Asst. Principal _____

Teacher _____

Other _____

Results of Search

Nothing found _____

Item(s) confiscated _____

Current disposition of any item confiscated _____

Parental notification (date and time)

Phone contact _____

Letter notification _____

Copy placed in school folder _____

XI. Student Searches and Interrogations for Criminal Violations

A. Law Enforcement Reporting Requirements

1. Any act that occurs on school grounds, at a school function, or during travel to or from school on a school bus that is criminal in nature and substantially effects the physical, mental, or moral welfare of a student or the overall safety of the school, should be immediately reported to law enforcement.
2. The following are examples of criminal activity that should be reported to the police:
 - **Threats**, including conduct or words indicating to another a threat of bodily harm by use of a firearm or other dangerous weapon.
 - **Possession of illegal items**, including possession of any illegal drugs, firearms or weapons.
 - **Sexual Abuse**, including behavior involving inappropriate sexual conduct.
 - **Arson**, which means intentional starting of a fire and causing property damage as a result of that fire.
 - **Assault**, which includes all cases where medical attention was required and/or the use of a dangerous weapon was involved.
 - **Robbery**, which involves the taking of property by force or threat of force.
 - **Burglary**, which involves the entering or remaining unlawfully on school property with the intent to commit a crime.

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3. Whenever conduct involves weapons, drugs, assaults involving serious injuries or an inappropriate sexual act immediate notification to law enforcement is necessary.

Minor offenses which involve conduct such as stealing, damaging property, physical violence that does not involve serious injuries and possession of small amounts of marijuana may be handled in the school without the assistance of law enforcement. It is appropriate to refer individuals who have engaged in minor offenses to Youth Court.

B. Responsibilities of School Employees.

1. Reporting. The principal or his or her designee must notify the appropriate law enforcement agency of conduct that may constitute a crime, as set forth above. The notification shall be made to the designated liaison between the school and the law enforcement agency as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the conduct. The notification must include identification of the persons involved in the conduct, the names of any victims and witnesses, notification of anything confiscated and an explanation of the potentially criminal conduct.
2. Confiscation of contraband. Any weapon, alcohol or illegal substance found shall be confiscated immediately, stored in a safe, secure area and promptly turned over to the law enforcement agency after that agency has been notified.
3. Investigation. There shall be minimal investigation by school personnel or administrators when the conduct is potentially criminal. The interviewing of witnesses and potential suspects in criminal offenses requires special expertise and must immediately be placed in the hands of law enforcement. The consequences or products of school-conducted interviews could compromise the integrity of future criminal prosecution. It may also alert suspects of the potential of a criminal action being commenced that would put law enforcement at a substantial disadvantage. The creation of prior statements is material discoverable through the legal process and the taker of the statements, whether from witnesses or alleged suspects, becomes a potential witness and subject to subpoena. In addition, interviewing witnesses simultaneously and allowing adverse parties to confront each other taints the fact gathering process and, as such, the activity should be reserved for law enforcement personnel.

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4. Securing Crime Scenes. It is the responsibility of the principal or designee to ensure that no one tampers with the crime scene before law enforcement arrives. When a crime has been committed, no one should tamper with the scene. The police should be notified and they will take control of securing the scene/evidence.

C. Protocols for Reporting Sex Crimes

1. When an incident on school property involves child sexual abuse or any other inappropriate sexual conduct, whether that conduct involves only students or an employee of the school district and a student, that conduct **must be immediately reported to local law enforcement** in accordance with the New York State Project SAVE Legislation.
2. School officials are mandatory reporters under the SAVE Legislation. School officials includes, but is not necessarily limited to, teachers, guidance counselors, school psychologists, school social workers, school nurses, and school administrators.
3. Child sexual abuse is defined by the New York State Project SAVE Legislation as any conduct prohibited by Article 130 or Article 263 of the Penal Law.
4. The Project SAVE Legislation requires that if a “mandatory reporter” learns of child abuse in an educational setting, the mandatory reporter shall prepare a written report of the allegations and transmit it to a school administrator. The school administrator is to determine if there is reasonable suspicion to believe that child abuse in an educational setting has occurred, and upon making a positive determination, forward the report to the appropriate law enforcement agency. Determining if there is reasonable suspicion does not involve deciding if the victim is credible or deciding whether or not the suspect is guilty before forwarding the report. It does not require an internal investigation. It only involves determining if the allegations contained in the report meet the elements of any conduct found within Articles 130 and 263 of the Penal Law.
5. School personnel shall not conduct an interview or take affidavits from the victim, witnesses or the potential suspect. This must be left exclusively in the hands of the law enforcement agency.
6. Mandatory reporters and school administrators must complete reports timely and expeditiously. The written report from the mandatory reporter must be completed and turned over to a school administrator immediately upon learning of the conduct. The school administrator must immediately review the report to determine if the information contained in the report meets the elements of any conduct defined in Articles 130 or 263 of the Penal Law. If it does, the school

administrator must forward it immediately to the appropriate law enforcement agency.

D. The Responsibility of District Employees and Volunteers

All district employees or volunteers who learn of a violation of any act which may rise to the level of criminal conduct must notify the principal or his or her designee immediately. Uncertainty as to whether conduct rises to the level of a criminal act does not dissolve these individuals of their reporting responsibilities.

E. The Responsibility of Students

1. All students are expected to immediately report any criminal activity to a teacher, guidance counselor, the principal or his or her designee.
2. Any student observing another student, or any other individual, possessing a weapon, alcohol or illegal substance on school property or at a school function or during travel to or from school, shall report this information immediately to a teacher, the principal, the principal’s designee or the Superintendent.

F. Child Protective Services Investigations

1. Administrators and teachers are required by State Law to report any alleged or suspected child abuse, and any alleged or suspected child neglect. Consistent with the District’s commitment to keep students safe from harm, and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect.
2. All requests by Child Protective Services to interview a student on school property shall be made directly to the principal or his or her designee. The principal, or pupil services staff (such as social workers, counselors, or psychologists) 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

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required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

3. A Child Protective Services worker may only remove a student from school property consistent with applicable laws, rules and regulations.

XII. Visitors to the Schools

The Board encourages parents and other district citizens to visit the District’s schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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:

- Anyone who is not a regular staff member or student of the school will be considered a visitor.
- All visitors to the school must report to the office of the principal upon arrival at the school. 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.
- Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- Teachers are expected not to take class time to discuss individual matters with visitors.
- Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors must abide by the rules for public conduct on school property contained in this Code.
- Student visitors from other schools, unless they have a specific reason and prior approval from the Superintendent of Schools, shall not be permitted to enter school buildings. New students accompanied by their parents/guardians are always welcome.

XIII. Public Conduct on School Property

The District 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 students, teachers and district 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 District recognizes

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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:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- 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.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this Code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- 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 District.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable District officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this Code.
- Violate any federal or state statute, local ordinance or board 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:

- Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

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- Students. They shall be subject to disciplinary action as set forth in this Code.
- Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.
- Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- Other 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 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 District may pursue disciplinary action against any student or staff member, as appropriate, in accordance with this Code or other applicable, law, rules or regulations. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

XIV. Dissemination and Review

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

- Providing copies of a summary of the Code and dress code to all students at a general assembly held at the beginning of each school year.
- Making copies of the Code to all parents at the beginning of the school year, including translations of this Code when appropriate. A video synopsis will be available for general informational meetings.
- Mailing a summary of the Code, written in plain language to all parents of District students before the beginning of the school year, and making this summary available upon request.
- Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the Code as soon as practicable after adoption.

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- Providing all new employees with a copy of the current Code and dress code when they are first hired.
- Making copies of the Code and dress code available for review by students, parents and other community members.

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

XV. Applicable Policies and Procedures

A. Sale, Distribution, Possession, or Use of Illegal Drugs/Alcohol on School Property or at School Functions

Refer to Administrative Bulletin No. 27, Board of Education Policy No. 3280.5, and applicable provisions of this Code.

B. Temporary Medical Exemption

When any student is suspected by a staff member to be acting in an atypical manner due to a suspected medical impairment, or presents a danger to him/herself or others due to the suspected medical impairment, the staff member shall notify the building principal immediately. The student shall be seen by a member of the School Health Services Department to determine the appropriate medical action to be taken.

In the case where a student is acting in an atypical manner due to medical impairment, the following procedures shall be used:

- The student shall be given a temporary medical exemption by authorized school personnel.
- The parent/guardian shall be notified of the temporary medical exemption by authorized school personnel. The parent shall also be informed that the Office of the Director of Health Services (telephone number: 435-4145) and the school nurse will be available to answer additional questions and/or concerns and provide assistance in securing a medical review by a physician.
- While medically impaired, the student shall be released only to the parent/guardian. When parental contact cannot be made, the director of health services or designee will act *in loco parentis* and determine if any further action will be taken.
- The student shall be seen by a health care provider to ascertain the nature of the problem and shall return to school when clearance can be obtained from the health care provider and presented to authorized school personnel.
- In the event the student does not have a health care provider, the student will be seen by the medical director or his designee at the earliest possible date prior to reinstatement to school.
- The principal or designee shall monitor the student to insure compliance to these procedures within a three-day period.

C. Possession of Dangerous Weapons/Objects

Refer to Administrative Bulletin No. [insert number], Board of Education Policy No. [insert number], and applicable provisions of this Code.

D. Administrative/Entry Searches (Metal Detectors)

The Board recognizes its responsibility to take reasonable steps to ensure that students have a safe learning environment, along with its responsibility to respect the Constitutional rights of students and visitors.

1. Introduction

This procedure will be used when necessary to ensure student safety based on circumstances and information brought to the attention of administrators. Searches may be conducted when information gives the administration a reasonable suspicion that weapons are or will be on school property. Searches may be authorized only by the Superintendent of Schools or, in his/her absence, by designee. However, this policy shall in no way restrict the ability of administrators, staff and/or police to conduct searches of individual students or visitors based on reasonable suspicion. Decisions to recommend searches will be made by District administrators knowledgeable about the particular school, its students and applicable District policy.

2. Purpose

The purpose of the metal detector scan is to prevent concealed weapons from entering the school environment and to identify concealed weapons and contraband. At no time is the degree and nature of the search to go beyond what is necessary to allow staff to discharge its responsibility for the safety of the students. If weapons or contraband are found in the possession of any person on school property, applicable provisions of this Code regarding referral to law enforcement authorities shall be followed. Additionally, evidence may be used for student disciplinary purposes. Entry searches will not be conducted for the sole purpose of practice or to acclimate students to search procedures.

3. School Searches

Step 1

Signs will be posted outside the building at every entrance in order to provide notice to all persons entering the school that they are subject to a screening for weapons as a condition of entry.

Step II

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The principal or his/her designee must be present to observe the scanning of students. In the case of multiple sites within the school or activity area, designees must be assigned to each site to ensure proper coordination, accurate reporting and a comprehensive evaluation of the scanning procedures.

Step III

All students and visitors entering the school or program may be searched. The principal may elect not to screen every person. In such cases, the principal will employ one or both of the following methods:

1. Screen on a predetermined random basis and/or
2. Allow a predetermined number of persons to enter without being screened; then resume screening all persons.

Under no circumstances may school officials single out a particular individual or individuals to be searched, unless there is reasonable suspicion to believe that such person or persons are in possession of a weapon.

Step IV - Use of Hand-Held Detectors

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- Weapon scanning of persons using hand-held detectors will be conducted, where possible, by school officials of the same sex as the individual seeking admission to the building. Scanning will not be conducted by “in-house” police officers except at the direction of other police officers.
- Another school official who is not conducting the scan will greet the individual, explain the process, and give directions as needed.
- Prior to scanning, individuals will be asked to place bags, parcels and/or coats on a table and to remove any metal objects (which will set off the scanner) from their pockets and place them in a tray. Bags, backpacks, parcels and/or coats will also be scanned. This tray will be in public view and contents removed as soon as the process has been completed. Bags, backpacks and parcels will be scanned with a hand-held wand. If the wand is activated, the student will be asked to remove all metal objects, etc. If a second scan activates the wand, the school official will examine the contents for weapons.
- Reasonable efforts will be made to keep any items removed from backpacks or persons out of public view.
- Persons who refuse to cooperate will be referred to the principal for appropriate action. Where a student refuses to consent to a search, such student shall not be permitted to attend class unless the District can ascertain that the student is not a danger to students and staff. Students who refuse to be scanned with hand-held detectors may be charged with insubordination. Before a student is so charged, administrators will determine whether the student’s refusal has a reasonable basis. If it is determined that a reasonable basis exists, the student will be allowed to attend classes. If no reasonable basis can be ascertained, the student’s parents/guardians will be contacted to discuss the scanning program. If cooperation is not received from the student and parents/guardians, the student will be denied access and detained until released to a parent, guardian, or other responsible adult. If necessary, a student who is denied access may be detained until the end of the school day and released to a parent, guardian, or other responsible adult.

Step V

When a detector is activated, the thoroughness of the search may vary depending on the evidence revealed from the initial search and observations.

- If the metal detector activates on a person and the source of the alarm is not apparent (for example, jewelry), the school official conducting the scan will direct the individual to remove, if possible, any remaining metal objects from his/her person and will conduct a second scan. If the detector activates again, the principal/designee shall direct a staff member of the same sex to escort the individual to a separate and private area (for example, an office) and to conduct a search in accordance with the procedures outlined below.

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- If reasonable suspicion still exists that the individual possesses contraband, and the individual declines to remove the object, or the object cannot be removed from an article of clothing, the individual will be searched as follows: The school official shall ask the individual to remove the object if he believes it represents a reasonable suspicion of being a weapon. If the person refuses to remove the object, the school official may remove the object or refer the student to the police.
- Searches conducted by school officials shall be limited to a “pat down” or “frisk” of the individual, reasonable questioning regarding possible possession of a weapon, a demand that pockets be emptied and a demand that bags, backpacks and other personal belongings be opened and inspected. If more intrusive searches are deemed necessary, the matter shall be referred to the police. A “pat down” or “frisk” may be conducted if reasonable suspicion exists that the student is in a possession of weapon.
- The search must be conducted in a private or screened area in the presence and under the supervision of the principal/designee and by someone of the same gender.
- Prior to conducting the search, the principal/designee will once again ask the individual to carefully remove any remaining metal objects from his/her person. If the object voluntarily provided by the individual or removed from the individual could have activated the metal detector and poses no danger, and a last scan shows no activation, the school official must cease performing the search.

Step VI

Persons refusing to cooperate with the scanning procedure prior to entry into an athletic contest, optional program or extra-curricular activity will be denied entry.

Step VII

If weapons or other contraband are found in the possession of any person on school premises, applicable provisions of this Code regarding referral to law enforcement authorities shall be followed. In addition, any evidence may be used for student disciplinary purposes

- In cases where contraband is discovered, and the contraband is not confiscated by the Police, the procedures for sending contraband to the Administrator for Student Behavior are to be followed.

Return of Property. All property removed from an individual which is illegal or not permissible will not be returned to that individual upon completion of the search.

- Sweep of School Grounds

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Immediately following completion of the search, a perimeter sweep of the school grounds for weapons will take place under the direction of the Syracuse Police Department, and nothing in the procedures set forth above shall limit the authority of a school official to question an individual when there is a reasonable suspicion that a particular individual is in possession of a weapon or any other contraband.

- Signs to be Posted Permanently at all Public Entrances. The Notice attached as Appendix [insert] shall be posted permanently at all public entrances.

Delete the following and move to an appendix.

NOTICE

Outside the Building at Search Stations

WEAPONS AND ILLEGAL SUBSTANCES ARE NOT PERMITTED IN OR UPON SYRACUSE CITY SCHOOL DISTRICT SCHOOLS, GROUNDS AND FACILITIES. ALL PERSONS ENTERING THIS BUILDING ARE SUBJECT TO A METAL DETECTOR SCAN AND A PERSONAL SEARCH. BAGS AND PARCELS ALSO MAY BE SEARCHED BY MEANS OF METAL DETECTING DEVICES BY HAND OR OTHERWISE. ANY PERSON ENTERING DISTRICT PROPERTY IS DEEMED TO HAVE CONSENTED TO SUCH SEARCH OF PERSON AND PARCELS. REFUSAL TO COOPERATE WITH A SEARCH MAY RESULT IN THE DENIAL OF ENTRY AND/OR DISCIPLINARY ACTION.

Reference Board of Education Policy 5300 R.55

At Search Stations

TO AVOID DAMAGE, FLOPPY DISKS, COMPUTER DISKS, AND CASSETTE TAPES SHOULD BE REMOVED PRIOR TO SCANNING.

E. Sexual Harassment Policy of the Syracuse City School District

Review and ensure compliance with applicable District Policy

Preamble

It is the policy of the Syracuse City School District that all members of its school community have a right to work, learn, or visit in a harassment free environment. In the Syracuse City School District, sexual harassment in any form is unacceptable and will not be tolerated. The District will take all necessary steps to ensure that the District shall be free from sexual harassment.

- General Statements

1. Sexual harassment is a form of sex discrimination that violates the law.

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2. It shall be a violation of this policy for any student or employee of the school district, or third party subject to the control of school authorities (such as volunteers), to harass a student, an employee, or such third party, through conduct or communication of a sexual nature as defined by this policy.

3. Sexual harassment in the school district by any student, employee or third party subject to the control of school authorities shall result in appropriate disciplinary action and may lead to personal legal and financial liability. Sexual harassment can also lead to the filing of criminal charges through the court system.

4. Complaints will be addressed in a sensitive and expedient manner by investigators, ideally of both sexes.

5. There will be no retaliation against students, employees or third party subject to the control of school authorities for reporting sexual harassment or assisting the school district in the investigation of a complaint.

- District Responsibility

The District shall take steps to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing students and employees of their rights to raise and how to raise issues of sexual harassment under Title VII and Title IX and developing methods to educate and sensitize the school community.

- Definitions

Harassment on the basis of sex is a form of sexual discrimination and is defined as “unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature” when:

- submission to such conduct or communication is made either explicitly or implicitly a term or condition of a person’s employment or advancement or the evaluation of a student’s performance or grades or student’s participation in school programs or activities; or

- submission to or rejection of such conduct or communication by an individual is used as a factor affecting the individual’s employment or education; or

- such conduct or communication has the purpose or effect of unreasonably interfering with an individual’s employment or education, by creating an intimidating, offensive or hostile environment.

- Sexual harassment generally falls within one of two broad categories:

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1. Situations in which the person is confronted with an implied or explicit threat concerning the terms or conditions of his employment, or grades or participation in school activities.
2. Situations in which no tangible threat or negative consequence is apparent but where the harassment creates an offensive, abusive or hostile environment.

The following unwelcome behaviors can constitute sexual harassment as set forth in Sections III A and B above:

- Unwelcome Verbal Conduct:

1. sexual advances or propositions
2. sexual innuendos, or suggestive comments or telephone calls
3. jokes of a sexual nature
4. sexually degrading words to describe an individual or an individual's body
5. verbal threats of a sexual nature
6. demands for sexual activity
7. whistling or obscene gestures of a sexual nature

- Unwelcome Nonverbal Conduct:

1. displaying of sexually suggestive objects or pictures
2. obscene or sexually suggestive gestures or materials

- Unwelcome Physical Conduct:

1. physical contact, including touching, pinching or brushing the body
2. any type of coerced sexual activity, assault or attempted assault

• Conciliation and Complaint Procedures

The complainant has the option to request an informal conciliation procedure and/or a formal complaint procedure.

- Informal Conciliation Procedure

1. For informal conciliation, individuals should confer with the building principal or immediate administrative supervisor to achieve prompt resolution.

The building principal or immediate administrative supervisor shall have the final determination on all such matters in the conciliation procedure.

2. Should the complainant feel that conciliation has not been reached; the complainant has the right to initiate the formal complaint procedure.

- Formal Conciliation Procedure

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1. Any person who alleges sexual harassment by any staff member, student or third party subject to the control of school authorities should file a formal complaint directly to the building principal or immediate administrative supervisor of the accused or the District Title IX Coordinator or his/her designee following the procedure as specified below. The District Title IX Coordinator may be reached by calling the District’s personnel office.

2. A person choosing to file a formal complaint has the following options: S/he may file the formal complaint with the building Principal or immediate administrative supervisor of the accused or directly with the District’s Title IX Coordinator or his/her designee. Should the building principal or immediate administrative supervisor or the district superintendent or a member of the Board of Education be the subject of the complaint, the complainant should refer the complaint directly to the Title IX Coordinator or his/her designee. Should the Title IX Coordinator be the subject of the complaint, the complainant should refer the complaint directly to the Superintendent. The administrative procedures for handling the complaint are:

Filing with the building principal or immediate administrative supervisor:

- Within one work day of receipt of a written or oral report of sexual harassment, the building principal or immediate administrative supervisor will:

1. Supply the complainant with the District’s sexual harassment packet
2. Have the complainant read the material in the sexual harassment packet or have the material read to her/him and initial it to indicate her/his understanding of the procedure
3. Have the complainant write the complaint on the District’s complaint form and present it to him/ her, or verbalize the complaint to the building principal or immediate administrative supervisor for him/her to complete the form.

The building principal or immediate administrative supervisor will verify the completeness of the information, and will forward it within one work day to the Title IX Coordinator or his/her designee. The complainant will retain a copy of the complaint and the building principal or immediate administrative supervisor will send another copy to the superintendent. Failure to forward any sexual harassment complaint in accordance with these procedures may result in disciplinary action.

Filing directly with the Title IX Coordinator:

- The Title IX Coordinator or his/ her designee will:

1. Supply the complainant with the District’s sexual harassment packet

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2. Have the complainant read the material in the sexual harassment packet or have the material read to her/him and initial it to indicate her/his understanding of the procedure

3. Have the complainant write the complaint on the District’s complaint form and present it to him/her, or verbalize the complaint to the Title IX Coordinator or his/her designee for him/her to complete the form.

The Title IX Coordinator or his/her designee will verify the completeness of the information and will send copies of the form to the complainant, the building principal or immediate administrative supervisor of the accused and the superintendent, with one retained by the Title IX Coordinator for record.

Filing with the superintendent should the Title IX Coordinator or his/her designee be the subject of the complaint

- The superintendent or his/her designee will:

1. Supply the complainant with the District’s sexual harassment packet
2. Have the complainant read the material in the sexual harassment packet or have the material read to her/him and initial it to indicate her/his understanding of the procedure
3. Have the complainant write the complaint on the District’s complaint form and present it to him/her, or verbalize the complaint to the superintendent or his/her designee for him/her to complete the form.
4. The superintendent or his/her designee will verify the completeness of the information and will send a copy of the form to the complainant, with one retained for record.

Disposition of Complaint

The Title IX Coordinator or his/her designee will:

1. Initiate an investigation within ten (10) working days or sooner of receipt of a completed complaint form. The building principal or immediate administrative supervisor may assist with this investigation.
2. Issue a written determination within an additional ten (10) working days or sooner.
3. Have the power to extend this deadline under circumstances which he/she deems reasonable including, but not limited to, summer or other vacations, illness, availability of staff, students, or third parties subject to the control of school authorities
4. If the Title IX Coordinator or his/he designee substantiates the allegations it is referred to the district superintendent or his/her designee for the appropriate disciplinary action pursuant to law.
5. The complainant or the accused may appeal the decisions of the Title IX Coordinator or his/her designee or the superintendent or his/her designee through regular district appeal processes.
6. If a complaint is upheld, the District will apply appropriate relief for the complainant when warranted.

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The employer and its agents shall respect the right to confidentiality of the complainant, witnesses (if any) and the accused. The complainant, witnesses and the accused shall be encouraged also to maintain confidentiality. This right will be respected consistent with the school district’s legal obligations and with the necessity to investigate allegations of harassment and to take disciplinary action when warranted.

The employer and its agents, the complainant and the accused have the right to representation. At all stages of the complaint procedure the complainant and the accused have the right to notice of the proceedings and the opportunity to be heard.

The school district will notify the parents of a student who complains of or is a witness to sexual harassment when the student comes forward with a complaint or report.

• Sanctions

1. A finding of sexual harassment by the Title IX Coordinator may result in disciplinary action against the employee under the provision of New York State Education Law and/or Civil Service Law. Under the provision of those laws, employees are entitled to answer the formal charges, to have a hearing on the charges, and to be represented by attorney or a representative of the union. If the employee is found guilty of the charges, he or she is subject to disciplinary actions that may consist of a letter of reprimand placed in the employee’s personnel file, suspension from work without pay, or dismissal.
2. Under part 83 of the New York State Commissioner of Education’s Regulations, a report to the Commissioner is mandated if evidence shows that a teacher lacks —good moral character. Accordingly, a teacher’s certification may be affected.
3. A substantiated charge against a student in the school district shall subject that student to appropriate disciplinary action which may include verbal or written reprimand, suspension, expulsion, or other action consistent with the policies of the New York State Education Department and the law.
4. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district. The report will document whether disciplinary action has been taken.

• Retention of Records

All documents, including final reports, concerning allegations of sexual harassment, regardless of the outcome of the investigation, shall be kept in a confidential file with the Title IX Coordinator.

F. Disenrollment for Non-Attendance

New York State Law requires that students remain in attendance until the last day of the session in the school year in which the student becomes 16 years of age.

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A student whose age is above the compulsory education law may be dis-enrolled from school for non-attendance when s/he has been found to be illegally absent for twenty consecutive school days. Written notification shall be sent to the home of the student who has been illegally absent 20% or more of the time since the school year began. If the attendance pattern continues, and the student is found to be illegally absent for twenty consecutive school days, a certified letter shall be sent to the home of the student indicating that s/he has been dis-enrolled for the remainder of the school year.

A parent wishing to appeal his/her child-s dis-enrollment may do so by requesting a hearing under the provision of Education Law 3214. Such a request should be made directly to the Superintendent’s Designee for Student Behavior. When a parent appeals the disenrollment of his/her child, the hearing shall be held within ten (10) days of the appeal.

G. Student Grievance Process — High Schools

The Student Grievance Process was developed by the Superintendent’s Student Cabinet in 1971 and officially became School District policy on September 25, 1972, with the issuance of Secondary Bulletin No. 103, Administrative Bulletin No. 136, and Board of Education Policy No. 3250.1. The grievance process is designed to provide a method for students to resolve legitimate differences or problems between student(s) and staff members. The process does not seek to discredit staff members and administrators, or their positions in the schools, but it does recognize that in certain instances a method for reconciling differences is necessary.

Check compliance with applicable bulletins and policy.

• Definition of a Legitimate Grievance

A Student(s) May Use the Grievance Process for the Following Reasons:

1. When the behavior of any staff member (teacher, counselor, custodian, cafeteria staff, aide, administrator, etc.) willfully imposes upon a student(s) the ethical, social or political values of the staff member.
2. When a staff member discriminates against a student(s) on the basis of race, creed, national origin, sex, personal appearance or handicapping condition.
3. When a staff member consistently denies the student(s) the right to participate in setting the objectives, selecting the activities and evaluating the progress of his/her learning.
4. When any staff member arbitrarily or unfairly grades a student(s).
5. When a staff member unfairly or discriminatively applies policies or regulations of the City School District, the school or the Student Behavior Code.
6. When a City School District policy or regulation or a school building practice is seen as having the potential to be contrary to students’ interests. (Such a grievance should be accompanied by a petition from a substantial number of students since it constitutes a challenge to the rightness of a general rule rather than its specific application.)

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7. When any other situation not covered in Section A above is agreed upon by the parties involved to be legitimately grievable.

No Student Shall be Able to Bring a Grievance on the Basis of the Following:

1. The instructional methods of a staff member, unless such methods include behavior defined in Section A above.
2. The personal habits or behaviors of a staff member which do not directly involve or apply to a student or students.
3. The race, creed, national origin, sex, personal appearance or handicapping condition of a staff member.
4. Any other situation not covered in Section B of Part I above which is taken to the Grievance Review Board and declared not legitimately grievable.

• Steps of the Grievance Process

Step 1 is an informal conference between the student(s) and staff member which occurs when both parties have agreed the issue is legitimately grievable. (If acceptable to both parties, an agreed upon mediator may be used in this process.) It is expected that most issues can and will be resolved at Step 1.

Two situations can arise when resolution is not reached which require additional procedures:

1. If the student(s) and staff member cannot agree the issue is legitimately grievable, the student shall send a written request to the appropriate area director for secondary schools, who is the chairperson of the Grievance Review Board, to determine if the issue is grievable. The student may choose to write a detailed description of the circumstances or prefer to make a written request to personally explain the basis for the grievance. In either instance, it is desirable that the presentation not specifically name the staff member(s), the school, the academic area, or others involved in the issues. If the Grievance Review Board determines the issue is grievable, Step 1 of the process is restarted.

2. If the student and staff member cannot resolve a grievable issue at Step 1, the student(s) may go to Step 2.

Step 2 is a semi-formal conference between the student(s), staff member, and the principal.

1. The student must make a written request to the principal for this conference within three school days after failure to reach resolution at Step 1. The conference shall be held within five school days after receipt of the written request. A written decision must be given to the aggrieved parties within three school days following completion of the conference.

2. Written information and witnesses may be brought in. At this step and beyond, both the student(s) and staff member may be accompanied by one other person of their choosing.

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If either party does not agree with the decision of the principal, Step 3 may be used.

Step 3 is a formal hearing of the case by the appropriate area director. Area directors are involved when either party in the grievance procedure wishes to appeal the written decision of the principal, or when the principal is the staff member involved in the grievance.

The student (or staff member) must request the hearing in writing within three school days following receipt of the principal’s written decision and the hearing shall be held within five school days following receipt of the written request. A written decision by the appropriate area director for secondary schools shall be given within three school days following completion of the hearing.

1. If the staff member involved in the grievance is the principal, the student shall bypass Step 2 and proceed to Step 3.
2. Delay beyond the limits outlined in Step 2 and Step 3 above permits movement to the next step of the procedure.
3. Delay beyond the limits outlined in Step 3 above permits movement to the next step of procedure.

Step 4 is the last step and consists of written request by the student for a formal hearing by the Superintendent of Schools. The Superintendent shall provide a written decision which is final within the framework of the Student Grievance process. The time frames for the appeal, the hearing, and the written decision are the same as for Step 3 above.

• Student's Rights and Protection

1. A student(s) shall not be punished or penalized for bringing a grievance.
2. A student(s) has the right to take the grievance to the next higher step if she/he feels the decision or settlement is unjust or inadequate.
3. A student shall not be required to repeat any steps of the grievance procedure; however, a student may use the process only once for the same alleged grievance.
4. A student(s) has the right to withdraw the grievance at any point in the process.

H. Parent/Guardian Concerns: Procedures for Solutions

If a parent or guardian has a concern about his/her child’s performance, and/or progress in school, or a concern about a staff member’s conduct and/or performance, the following procedure must be used:

- Contact the staff member and schedule a conference.
- If the conference fails to satisfactorily resolve the issue, contact the building principal and schedule a conference. (If the problem is with the principal, begin contact with the principal.)
- If the issue remains unresolved, contact the the Director for Elementary or Secondary Education, as applicable, and request assistance. The appropriate Director will gather the facts and schedule a meeting with all interested persons. The Director will act as an arbitrator and recommend a course of action.

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- If the Director’s action plan does not resolve the issue, the parent/guardian must state the problem/concern in writing to the Superintendent. The Superintendent may designate a hearing officer to conduct a formal inquiry, and recommend a course of action necessary to resolve any issues. The Superintendent may accept in whole, accept in part, or reject entirely the recommendation of any hearing officer.

J. Student Records

The schools collect and maintain student records to report the growth and development of individual students, to provide information to parents and authorized staff and to establish a basis for the evaluation and improvement of school programs.

Student record information contained in the student’s cumulative record, also known as the student’s permanent record, includes records of subjects and grades, credits, awards, promotions, standardized test information, school attendance records, health data and other information that serves the educational interests of the student.

The District will comply with the Family Educational Rights and Privacy Act (“FERPA”) with respect to the release of student educational records. The District will provide an annual notice to parents/guardians with respect to their rights under FERPA.

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K. Parental Access to Student Information

Non-custodial parents may receive educational information regarding their children under the following conditions:

- the non-custodial parent complete and sign a permission form which authorizes the District to allow access to this information. This “Permission Form for Non-Custodial Parent” is completed at the school.
- That the permission form must be completed yearly, and is valid until September 1 of the next school year.
- A legal decision or court order denying information to the non-custodial parent negates any permission form.
- When completed, the school will forward a copy of the completed “non-custodial permission form” to the Data Processing Department.

Divorced/separated custodial parents have automatic access to educational information; they do not need to complete the permission form. Students living part-time with each parent are included in this category.

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The school will notify the Data Processing Department, in writing, of the names and addresses of custodial parents who reside separately and wish to receive data processed information.

Data Processing Department Procedures

1. The Data Processing Department will enter the names and addresses of appropriate non-custodial parents and of all divorced/separated custodial parents into the appropriate database.
2. Subsequently, all information that is communicated to parents, via the data processing system, will be transmitted separately to each parent.
3. Where appropriate, the Data Processing Department will also share this information with the Special Education Department.

Building Level Procedures

Upon request, school-based information not connected to Data Processing must be shared with authorized non-custodial parents and divorced/ separated custodial parents.

1. Building administration is responsible for organizing a system which informs staff of parents eligible to receive information under these guidelines.
2. A system must also be developed so that office staff will make available to these parents copies of report cards (not generated through Data Processing), retention letters, disciplinary letters, medical notices and general information.
3. A building organization for verbal communication is also required. Verbal communications include parent/teacher conferences, classroom visits, access to Superintendent suspension hearings and the District Committee on Special Education proceedings.

L. Policy on Student Mobility

Numerous moves at the elementary school level have serious negative effects on student achievements. It is possible to control these negative effects by limiting the number of schools to which students are allowed to transfer.

Students will not be allowed more than one (1) school change during the elementary school years, excluding students assigned to alternative school programs.

The Pupil Services Department administration will chair an appeals committee that will serve as the body to review parental appeals to this policy on a case by case basis.

For evaluation purposes, this policy will be monitored on a yearly basis to determine the impact of lowered mobility.

M. Policy for Students with Disabilities Under Section 504 of the Federal Rehabilitation Act of 1973

Refer to applicable District Policy?

It is the responsibility of the Syracuse City School District to identify and evaluate students with disabilities under Section 504 who, within the intent of Section 504, need special services or programs in order that they may receive the required free appropriate public education (“FAPE”). A free appropriate public education consists of regular or special education and related aids and services that are designed to meet the disabled student’s needs as adequately as the needs of nondisabled students are met. Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive a free appropriate public education in the District.

For purposes of this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one or more major life activities (for example, learning); or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students who are identified as disabled individuals with exceptional needs under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (the “IDEA”), Article 89 of the New York Education Law, and part 200 of the New York State Commissioner’s regulations which implement the IDEA, are not addressed under this policy. The needs of such students are met through the Committee on Special Education (“CSE”) and its policies and procedures and under the applicable state and federal laws and regulations.

N. Title IX

In 1972 Congress passed a law which prohibits discrimination because of sex in federally-funded education programs. This amendment is known as Title IX. This law covers all aspects of sex discrimination in schools with regard to admissions, treatment of students and employment. An educational program or activity receiving federal funds is covered by Title IX regulations with certain specific exemptions.

Title IX states that discrimination is prohibited with regard to access to, and participation in, courses and extracurricular activities, including clubs and competitive athletics. The regulations further provide that no course may be required on the basis of sex. This means that no course may be offered to only one sex. In addition, preference in admission to courses may not be made on the basis of sex, nor may courses be described as being more appropriate for one sex or the other. The one exception is that separate sessions of otherwise co-educational classes may be

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allowed when the materials and discussion deal exclusively with the subject of human sexuality. Schools may not offer separate sections for physical education. The regulations, however, do include the following qualifications to that rule:

- Within classes, students may be separated by sex for contact sports such as wrestling, boxing, basketball or football.
- Within classes, students may also be grouped by ability, even if such groupings result in single sex or primarily single sex groups. Sex may not, however, be the criteria for such groupings.
- In the instance where a single evaluation standard, such as requiring all students to do 60 pushups to get a passing grade, has an adverse impact on one sex, schools may use a different evaluation standard or standards in physical education.

In the areas of intra- and intermural and extracurricular athletics, the regulations do not require single, co-educational teams for all sports. Where selection is based on competitive skill or the activity involved is a contact sport, athletics may be provided either through separate teams for each sex or through a single team open to both sexes. If separate teams are offered, a school may not discriminate on the basis of sex in providing necessary equipment or supplies, or in any other way.

In the areas of vocational education, vocational schools may not, for example, excuse discriminatory admissions practices by arguing that it has always guaranteed jobs to its graduates but cannot guarantee jobs to both sexes. Furthermore, a school may not assist a discriminatory employer by referral of students or in any other matter.

O. Food Service Policies

Lunch menus are sent home on a monthly basis. Reduced and free breakfast and lunch are based on family income. Applications will be sent home during the first few days of school. To ensure that a child, if eligible, receives a free or reduced price meal, a parent/guardian must fill out a new application every year. The application must be sent to school with the child. Parents/guardians must read carefully all of the information contained in the letter and application. Uncompleted applications will be returned for completion, which will result in a delay in a child receiving free and reduced meals. Only one application is necessary for each family, regardless of the number of eligible students. Foster children will require a separate application. After the District has processed an application, a child will receive either free or reduced priced meals, unless the Food Service Department notifies the parent/guardian otherwise. In some cases, Social Services sends a parent/guardian a letter saying the child is approved for a free meal without filling out an application. The parent must send a copy of the letter to the child’s school.

Charging is not allowed in any school. Breakfast charging is not allowed in any building. The District encourage prepayment as all schools have an accounting system. Checks are accepted. Checks must be made payable to the school’s cafeteria.

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P. Academic Eligibility Program

The Syracuse City School District values and encourages student participation in extracurricular activities including athletics, drama, musical productions, school sponsored clubs, and other non-credit bearing areas. These activities are an integral part of the educational program offered by the District. Through extracurricular participation, students will foster academic, personal, and social development. When students participate in school activities, they are ambassadors of their school and community; therefore, participation is a privilege and not a right. In order to be a well- rounded individual, students who participate in school-sponsored extracurricular activities must maintain certain academic standards. It is the District’s belief that students who understand the importance of maintaining academic standards will be positive contributors to our the District and society.

In order to motivate as many students as possible to participate in extracurricular activities, a two-tiered policy has been developed. It is hoped that students in the lower grades who have academic difficulties will continue to be involved in these activities, thereby motivating academic improvement. Students in the upper grades are expected to perform at as high a level as possible in order to achieve successful graduation.

Measures and Consequences	Lower Grade Levels: Grades 7 & 8 and 1st year High School Students	Upper Grade Levels: 2nd, 3rd and 4th year High School Students
1 Failure	Monitoring	Monitoring
2 Failures	Probation	Probation/Limited Participation
3 Failures	Limited Participation	Ineligible
*3 Failures	Ineligible	Ineligible