

Stanley G. Falk  
School  
2016-17

## CODE OF CONDUCT



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## **I. Introduction**

The Falk School is committed to providing a safe and orderly school environment where students with special learning needs will receive first-rate educational services.

Proper conduct and responsible behavior is expected from students, school personnel, parents, and visiting professionals. The school actively promotes the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity to promote a pro-social school environment where students and staff feel safe, valued, and capable.

The Falk School ensures the rights of all students to a productive educational environment where they can acquire the academic and social skills necessary for their development into mature, responsible, capable, and accountable adults.

## **II. Definitions**

For purposes of this code, the following definitions apply:

“Dangerous Implements” means any implement or substance used as a weapon to inflict bodily harm, including any objects or implement capable of causing harm or used in such a way as to cause harm to another; this includes but is not limited to laser pointers, pencils and scissors.

“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.

“Disrespect toward others” means inappropriate comments or physical gestures toward others.

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

“Gender” The socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women (masculine and feminine denotes “gender”); actual or perceived sex and includes a person’s gender identity or expression (Education Law §11(6))

“Loss of Privileges” means as a consequence of a violation of the Stanley G. Falk School’s Code of Conduct, a student can lose the right to participate in school events and activities, including participation in graduation or moving up ceremonies.

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

“Race” means a group of persons related by a common descent or heredity; For purposes of enumeration, the U.S. Census Bureau uses terms such as: “White/Caucasian”, Black/African American/African-descent, “Asian”, “Bi-racial”, ‘Hispanics/Latinos”, etc. to describe and classify the inhabitants of the United States.

“Racial Harassment” means a negative opinion or verbal expression toward an individual or group of persons who have common physical characteristics (i.e., color of skin, eyes, hair and facial feature genetically transmitted by descent and heredity) that distinguish them a distinct division of human kind, based on these physical characteristics.

“Safe and Civil Schools” means *Safe and Civil Schools* is an initiative that guides schools through a process of designing a proactive and positive school-wide behavior plan. Staff develops and implements effective behavior management and motivation practices – as well as behavior supports for all students. Adults work toward creating an environment for students that are emotionally and physically safe and that foster independence, integrity, confidence, self-control, kindness, literacy and responsibility.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or other land owned by the school, or on a school bus.

“School function” means any school-sponsored extra-curricular event or activity, on and/or off site.

“School Uniform Policy” means A mandatory school-based uniform policy is one in which the school prescribes a standard uniform and requires all students to participate.

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

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses or facilitates transport, storage or usage of a weapon while on school property or at a school function.

4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any School employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school property.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act. It also means any other weapon, device, instrument, material or substance that can cause serious physical injury or death including, but not limited to, a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, sling shot, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb that can cause physical harm or death when used to cause or in an effort to cause physical harm or death.

### **III. Dignity for All Students Act**

The Dignity for All Students Act (Dignity Act) ensures that no student is subject to discrimination or harassment, based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and continued at school.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as “cyber-bullying.”

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

1. Expect a school environment that is conducive to learning
2. Be treated respectfully by those in the school community

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

#### **IV. Attendance**

Students are expected to report to school each day that school is in session. Attendance at school is vital to a student's academic progress and success. School personnel will ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect.

In cases of truancy, school personnel must meet with the student and parent/guardian in order to determine needed supports and an appropriate course of action to resolve the problem.

The school's multi-disciplinary team will review the data of chronic absenteeism and/or truancy and will involve parents, teachers, school counselors, teacher aides, case workers and other school staff in facilitating a resolution. Cases of suspected educational neglect must be called into the New York State Central Register in compliance with Chancellor's Regulation A-750.

#### **V. Student Rights and Responsibilities**

The role of any school is to foster growth in social, academic and personal responsibilities for all of its students. To accomplish these goals, certain forms of order are necessary. The discipline philosophy of the Falk School reflects the concern for an optimal learning situation by providing consistent expectations for student behavior.

The students who are enrolled in the Falk School shall have all the rights afforded them by federal and state constitutions, statutes and regulations. The Falk School recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

<b>Student Rights</b>	<b>Requires →</b>	<b>Student Responsibilities</b>
To attend the Falk School and receive an education		To attend school every day unless he or she is legally excused and be in class, on time, and prepared to learn
To expect orderly classes in which all students can gain the knowledge needed to achieve successful outcomes		To adhere to the Code of Conduct and be aware of and follow the rules; to conduct himself or herself in a manner that contributes to the ability of the class to learn
To be treated with respect by all members of the school community		To treat himself or herself, others, and property with respect, and to dress appropriately for school by abiding by the Student Dress Code
To feel safe in the school environment		To respect the rules, regulations and procedures of the Falk School, and to seek help in solving problems that might lead to an unsafe action or a dangerous outcome
To express himself or herself in a socially acceptable manner		To react to directions given by teachers, aides, principals and other school personnel in a respectful, positive manner, and work to develop mechanisms to control his or her anger
To an educational program that will improve his or her physical well-being in the least restrictive environment		To attend all classes and participate in the programs to the fullest level of his or her ability
To be free from unreasonable intrusion upon his or her personal property		To be aware of actions that constitute serious wrongdoing and to refrain from such acts (i.e., possession of contraband, alcohols, drugs, etc.)
To express opinions verbally or in writing		To express opinions respectfully and not offend, slander, or restrict the rights of others
To be afforded due process in disciplinary matters		To volunteer information in disciplinary cases if he or she has knowledge or importance in such cases
To be provided appropriate materials and supplies to create an environment of success		To respect all property, despite ownership
To be free from discriminatory practices		To refrain from discriminatory practices against all others
To know the school rules and their consequences		To familiarize himself or herself with and abide by school rules, regulations and procedures, and all school rules and regulations dealing with student conduct
To a clean, well-maintained educational learning environment		To contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect toward other people and property
To enjoy extracurricular sports and other school-sponsored activities		To become positively involved to the fullest level of his or her interest and ability, to seek help in solving problems that might lead to disciplinary action, conduct himself or herself as a representative of the Falk School when participating in or attending school-sponsored extracurricular events, and hold himself or herself to the highest standards of conduct, demeanor, and sportsmanship.

## **VI. Essential Partners**

Students, parents and school personnel all have a role in making school safe and must cooperate with one another to achieve this goal.

### **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 on a daily basis.
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 Falk School 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 Falk School.
9. Build good relationships with teachers, other parents and their children's friends.
10. Inform school officials of changes in home situation that may affect student conduct or performance.

### **B. Teachers/Support Personnel**

#### **All teachers and support personnel are expected to:**

1. Establish meaningful relationships that affirm and support students.
2. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan

7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Build good relationships with their students and parents.
9. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against Falk School policy. Employees are expected to maintain a professional, ethical relationship with students.
10. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, or other staff, to the building administrator in a timely manner.

**C. School Counselors/School Psychologist**

**All school counselors and school psychologists are expected to:**

1. Establish meaningful relationships that affirm and support students.
2. Assist students in coping with peer pressure and emerging personal, social and emotional challenges.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Review regularly with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against Falk School policy. Employees are expected to maintain a professional, ethical relationship with students.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, or other staff, to the building administrator in a timely manner.

## **D. Principals/Building Administrators**

**All principals and/or designees are expected to:**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and to approach the principal for redress of student complaints/grievances.
3. Closely monitor the implementation of curriculum content and performance standards across all disciplines.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.
6. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against Falk School policy. Employees are expected to maintain a professional, ethical relationship with students.

## **E. Superintendent and other Administrators**

**The Superintendent of Schools and/or designee is expected to:**

1. Promote a safe, orderly and stimulating school environment, support active teaching and learning.
2. Review with school administrators the school policies and state and federal laws relating to school operations and management.
3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
4. Work with administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
5. Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against Falk School policy. Employees are expected to maintain a professional, ethical relationship with students.

## **VII. Student Dress Code**

All students who are attending the Falk School are expected to abide by the school's required uniform dress policy. These guidelines were adopted to maintain a school climate that effectively fosters learning, safety, a sense of community, and respect for school, self, and others. The dress code creates a sense of belonging and fulfillment that comes from being a member of a positive organization, and enhances safety and security on site as well as off-grounds by quick identification of our students. Setting and enforcing standards of dress and grooming will contribute to the quality of the educational program.

For students' safety, and to eliminate distractions, the following guidelines will apply:

1. Students may be permitted to wear symbols expressing political or personal views as long as those expressions do not create material or substantial disruption to the educational process.
2. Jewelry will be banned if it presents a threat to the student, or to another student's health or safety.
3. Wearing clothing or materials on school grounds, at school functions, or school-sponsored events that are obscene, advocate illegal actions, promote and/or endorse the use of alcohol, tobacco or tobacco products, or illegal drugs or encourage other illegal or violent activities, appear libelous, or denigrate others on the basis of race, color, religion, creed, national origin, gender, sexual orientation or disability, obstruct the rights of others, or are disruptive to the school program will not be allowed.

The principal and other designated personnel shall have the authority to require a student to change his or her attire should it be deemed inappropriate according to the above guidelines. Administrators, teachers and all other School personnel should exemplify and reinforce acceptable student dress.

Should a student violate the dress code, he or she will receive a warning from the classroom teacher and will be required to modify his/her appearance by replacing it with an item of clothing that meets the student dress code. The classroom teacher will contact the parents and remind them of the uniform dress code policy. The teacher must work with/parent to resolve the problem. If a violation continues, it is the teacher's responsibility to inform the principal. The principal will notify the parent in writing of the infraction. It is the classroom teacher's responsibility to establish and enforce corrective plans of action.

## **VIII. Discipline Code for Student Behavior**

Students are responsible for conducting themselves in an orderly manner in accordance with school policy and within the legal limits of the law.

The following behaviors will not be tolerated on the school premises or at school-sponsored events:

- A. Disorderly conduct:** endangerment or harassment (i.e.: bullying, intimidation) of others or the willful disruption of the orderly conduct of classes, school program and/or school activities.
- B. Insubordination:** failure or refusal to comply with the reasonable requests of an administrator, a teacher or a staff member.
- C. Physical aggression:** fighting in school, on school property, or at school-related events.
- D. Inappropriate expression:** use of profanity or swearing, racial or sexual expressions or innuendoes, abusive language and/or similar behavior at any time, on school premises or at school-sponsored events.
- E. Alcohol/other drugs:** consuming, sharing, transmitting, selling, buying, possession and/or being under the influence of alcohol, tobacco and other drugs (including the misuse of prescription medication) at any time on school premises or at school-sponsored events.
- F. Unauthorized substances:** possession of paraphernalia for consuming (use) of alcohol, tobacco, and other substances, as well as the consuming (use), sharing, transmitting, buying and/or selling of substances (including the misuse of prescription medication) on school premises or at school-sponsored events.
- G. Hazing:** any conduct or method of initiation into any student organization or school team, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or another person.
- H. Bullying:** encompassing an imbalance of power and a variety of negative acts such as: physical (hitting, kicking, spitting, taking personal belongings); verbal (taunting, malicious teasing, name calling); psychological (spreading rumors, manipulating social relationships, extortion, or intimidation) carried out repeatedly over time.
- I. Sexual harassment:** inappropriate visual, verbal or physical conduct directed by an adult to an adult, an adult to a student, a student to an adult or a student to a student.

Four elements of sexual harassment:

1. Sexual in nature or gender based
2. Unwanted or unwelcome
3. Severe, persistent or pervasive

4. Interferes with ability to do work, learn or study

- J. **Disruptive materials:** distribution of or wearing 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.
- K. **Discrimination:** intimidation, harassment, or discrimination against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability on school premises or at school-sponsored events.
- L. **Cyber-bullying:** Cyber-bullying includes, but is not limited to, the following misuse of technology (i.e., cell phones; iPads; computers; etc.): harassing, bullying, discriminating, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail, instant messages, text messages, digital images or photos, or website postings (including blogs) which has the effect of:
  - 1. Physically, emotionally, or mentally harming a student or staff member
  - 2. Placing a student or staff member in reasonable fear of physical, emotional or mental harm.
  - 3. Placing a student or staff member in reasonable fear of damage to or loss of personal property
  - 4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.
  - 5. Occurs off school property and creates or would foreseeably create, a risk of substantial disruption within the school environment.

The Falk School expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, school personnel and other members of the school community, and for the care of school facilities and equipment. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Falk School recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to set standards and focus upon 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. In addition, the School also recognizes the need for the Administration to impose discipline when behavior occurring off campus transfers to the school setting and negatively impacts the daily operations of the school and/or substantially or materially disrupts instruction.

## **IX. Disciplinary Actions**

Students may be subject to disciplinary action, up to and including suspension from school, when they engage in or promote:

**A. Conduct that is disorderly.** Examples of disorderly conduct include, but are not limited to:

1. Running in hallways or leaving classrooms without permission.
2. Shouting or making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, or abusive.
4. Engaging in any willful act which disrupts the normal operation of the school environment, regardless of where the act occurs.

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

1. Failing to comply with the lawful directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing, or leaving school without permission.
3. Irregular and inconsistent patterns of attendance.

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

1. Failing to comply with the lawful directions of teachers, school administrators or other school personnel in charge of students.
2. Reporting late for school or class.
3. Reporting unprepared for class.

**D. Conduct that is violent or physically aggressive.** Examples of physical aggression include, but are not limited to;

1. Threatening and/or committing an act of violence (such as hitting, kicking, biting, punching, and scratching) upon a teacher, administrator or other school employee.
2. Threatening and/or committing an act of violence (such as hitting, kicking, biting, punching, and scratching) upon another student or any other person lawfully on school property.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.

6. Intentionally damaging or destroying (including acts of graffiti or arson) school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property.
7. Bullying, which encompasses an imbalance of power and a variety of negative acts, such as: physical (hitting, kicking, spitting, taking personal belongings); verbal (taunting, malicious teasing, name calling); psychological (spreading rumors, manipulating social relationships, extortion or intimidation) carried out repeatedly over time by a student or group of students toward a less powerful student(s).

**E. Conduct that endangers the safety, morals, health or welfare of others.**

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

1. Lying to school personnel.
2. Stealing or assisting in the theft of school property or the property of other students, school personnel or any other person lawfully on school property or attending a school function.
3. Acts of sexual harassment as defined in the school's sexual harassment policy.
4. Buying, selling, using, possessing or distributing obscene material.
5. Possessing, distributing or smoking a cigarette, cigar, pipe, e-cigarette or using chewing or smokeless tobacco.
6. Possessing, consuming, buying, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. Illegal substances include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs (substances that resemble or are used to represent illegal substances, including those used to simulate drug-use behaviors), and any substances commonly referred to as "designer drugs".
7. Using or sharing prescription and over-the-counter drugs.
8. Possessing paraphernalia used in connection with alcoholic beverages, illegal substances, prescription drugs and over-the-counter medications.

**F. Academic Misconduct – Examples include, but are not limited to:**

1. Plagiarism
2. Cheating
3. Copying the work of others
4. Altering records
5. Violations of the Falk School's Acceptable Use Policy for Technology
6. Violation of copyright laws.
7. Violation of intellectual property rights.

8. Assisting another student in any of the above actions.

## **X. Student Conduct on School Bus**

The Falk School believes it is crucial for students to behave appropriately while riding on home district buses, to insure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

While the law requires the school district to provide transportation for students, it does not relieve parent(s) or guardian(s) of responsibility for supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

Only after a child boards the bus does he/she become the responsibility of the school. Such responsibility shall end when the child is delivered to the regular bus stop at the close of the school day.

Since the school bus may be regarded as an extension of the classroom, children are required to conduct themselves on the bus in a manner consistent with the expectations established under the Discipline Code (Section VI). Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those riding the buses will conduct themselves properly in respect to the rights and property of others.

If a student does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the building principal, by the bus driver. Only the building principals, transportation supervisor, or the home district superintendent have the authority to suspend the riding privileges of students who are disorderly or insubordinate on the bus. In such cases, the parent(s) or guardian(s) of those students become responsible for seeing that their children get to and from school safely.

## **XI. Reporting Weapons or Substance Abuse Violations**

Any student or staff member observing a student possessing a weapon, alcohol or other illegal substance on school property or at a school function, shall report this information immediately to the building principal. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including referral for prosecution or suspension.

When violations occur that may constitute a crime, violation of the Penal Law, or substantially affect the order or security of a school, the building principal must notify the

assistant superintendent and the appropriate local law enforcement agency as soon as is practical, but in no event later than the close of the business day that the principal learns of the violation. The notification must identify the student(s) and explain the conduct that violated the Code of Conduct and constituted a crime.

## **XII. Disciplinary Expectations and Penalties**

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

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

1. The student's age.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Input from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that both the number of violations and severity of the behavior will be considered when determining consequence. For example, a student's first violation will usually merit a lighter penalty than subsequent violations.

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

1. Verbal warning – any member of the Falk School staff
2. Written notification to parent – teachers, principal, or other school administrator
3. Written warning – teachers, principal, or other school administrators
4. After-school/Detention – teachers, principal
5. Suspension from transportation – district director of transportation
6. Suspension from athletic participation – principal, athletic coordinator
7. Suspension from social or extracurricular activities (i.e.: to include, but not limited to, athletic contests or events, clubs, special field trips, graduation) - principal, other school administrator

8. Suspension of other privileges (i.e.: leadership positions, using public transportation to and from school, student competitions, field trips) – principal, other school administrators
9. Short-term (five days or less) suspension from school – principal, assistant superintendent
10. Long-term (more than five days) suspension from school – assistant superintendent, superintendent

### **XIII. Discipline of Students with Disabilities**

If the conduct of a student is related to the student's disability, then the student may be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior directly caused by his/her disability, without following the procedures mentioned above.

### **XIV. Corporal Punishment**

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

### **XV. Student Searches and Interrogations**

The Falk School is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or of the Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent(s) before questioning the student. However, school officials must tell all students why they are being questioned.

In recognition of certain societal problems which may present themselves in our schools, the Falk School authorizes the building principals and his/her designee to conduct searches of students and their possessions for an illegal matter or a matter which otherwise constitutes a threat to the health, safety, and welfare of the students attending the Falk School.

In authorizing such searches, the School acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their

possessions (e.g., pocket contents, book-bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable suspicion.

In addition, the school authorizes the principal and his/her designee, or other administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school's Code of Conduct. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individual(s) other than school employees will be considered reliable informants if they have previously supplied information that was accurate and verified, if they make an admission against their own interest, or if they provide the same information that is received independently from other sources. School employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or a student's belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or the school code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

#### **A. Student Lockers, Desks and other School Storage Places**

Students shall be informed by the principal and his/her designee that school lockers, desks and other school storage places, are the exclusive property of the School and may be subject to search at any time by School officials, without prior notice to the students and without their consent. Students shall have no expectation of privacy with respect to these places and school officials retain complete control over them. While recognizing the right to inspect student's school lockers without the necessity of obtaining students' consent is inherent in the authority granted to school administrators, school officials will exercise every safeguard to:

- protect each student's constitutional rights to privacy and protection from coercion;
- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

#### **B. Police Involvement in Interrogations of Students**

It is the policy of the School that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of

alleged criminal conduct on school premises, or during a school sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The school's administrators shall, at all times, act in a manner which protects and guarantees the rights of students and parents.

Police authorities have no right to interview students on school property without a warrant or probable cause for suspicion; they should take the matter up directly with the student's parents or guardians.

If a student is to be questioned by police on school property, it is the responsibility of the school administration to see that the interrogation takes place privately, in the presence of an administrator, and in the presence of a parent or legal guardian, except that a parent or legal guardian may give verbal consent to a school administrator for the interrogation to take place in the absence of the parent or legal guardian. When the interrogation takes place in school, as elsewhere, the student is entitled to be advised of his/her legal rights, namely: (1) the right to counsel, (2) the right to remain silent, and (3) the warning that anything he/she says may be used against him/her.

### **C. Child Protective Services Investigations**

Consistent with the school'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 school will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect. Such interviews will be completed in accordance with school policy and procedures. In circumstances where criminal activity is suspected, Child Protective Services workers may be accompanied by police officers who are assisting in the investigation

## **XVI. Visitors to the Schools**

The School encourages parents and other home school district professionals to visit the Falk School and maintain a strong alliance with the school's teachers, counselors, and other support staff. Since schools are a place of work and learning, appointments must be made and certain limits must be set for such visits. The building principal is

responsible for all persons in the building and on the school grounds. For these reasons, the following expectations apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a "visitor".
2. All visitors to school must report to the main office of the principal (or designated extension of the principal's office, such as the main office) upon arrival at the school. There, they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the school secretary office before leaving the building.
3. Visitors attending school functions that are open to the public, such as Open House, school concerts, or athletic contests, are not required to register.
4. District professionals, or graduate students from local colleges who wish to observe a classroom while school is in session are required to arrange such visits in advance through the principal's office, so that class disruption is kept to a minimum.
5. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if this situation warrants.
6. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

## **XVII. Public Conduct on School Property**

The Falk School recognizes that the primary purpose of the school is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering with, or delaying the education process or having such effect, is hereby declared to be in violation of school policy. The school shall approve rules and regulations to effect this policy.

The school also recognizes its responsibility to protect the school property and declares its intent to take any and all legal action to prevent its damage or destruction. The school will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

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

**A. Prohibited Conduct** (including but not limited to the following):

1. Intentionally injuring any person or threatening to do so.
2. Intentionally damaging or removing school property.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Disrupting the orderly conduct of classes, school programs or other school activities.
5. Entering any portion of the school premises without authorization or remaining in any building after it is normally closed.
6. Obstructing the free movement of any person in any place to which this code applies.
7. Violating the traffic laws, parking regulations or other restrictions on vehicles.
8. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal or controlled substances, or being under the influence of any on school property or at a school function.
9. Possessing or using firearms or other weapons in or on school property or at a school function, except in the case of law enforcement officers.
10. Loitering on or about school property.
11. Refusing to comply with any lawful order of identifiable school officials performing their duties.
12. Willfully inciting others to commit any of the acts prohibited by this code.
13. Violating any federal or state statute, local ordinance or school policy while on school property or while at a school function.
14. Smoking or use of other tobacco products or e-cigarettes on school property.
15. Violating the Acceptable Use of Technology procedures established by the school.

**B. Penalties**

1. Visitors: Shall be subject to immediate ejection and, as the facts may warrant, precluded from being allowed on the premises of all school buildings and grounds. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the determination.
2. Students: Shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section in accordance with the due process of law requirements.

3. Faculty members: Shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law, or any other legal rights that they may have.
4. Staff members: Shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **C. Enforcement**

The superintendent and/or designee shall be responsible for enforcing the conduct required by this code. The superintendent may designate other school staff who are authorized to take action consistent with the code.

When the superintendent or designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official 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 designated school official shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XVIII. Dissemination and Review**

### **Dissemination of Code of Conduct**

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

1. Providing copies of a summary of the code to all students at the beginning of each school year.
2. Mailing a summary of the Code of Conduct written in plain language to all parents at the beginning of the school year and making this summary available later upon request.
3. 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.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the Code of Conduct will be publicized and explained to all students and a summary distributed, in writing, to parents and guardians of students. A copy of the code will be electronically filed in each school building, where it will be available for review by any individual.

The school will sponsor an in-service education program for all faculty and staff members to ensure the effective implementation of the Code of Conduct.

The school will review this Code of Conduct every year and update it as necessary. In conducting the review, the school will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The school may appoint an advisory committee to assist in reviewing the code and the school's response to Code of Conduct violations. The committee will be made up of administrators, teachers, and other school personnel.