

# **Student Discipline Code**

K -12



**Baldwin Union Free School District**

**Baldwin, New York 11510**

Revised June 2018  
Reviewed May 2019

Dear Parents/Guardians:

New York State regulations require that every school district provide parents/guardians and students with a written code for student conduct and discipline. This booklet is provided to you as a summary of this information. For a complete copy of the District Code of Conduct, visit our website at [www.baldwinschools.org](http://www.baldwinschools.org). Select a school and then select “Our School.”

Our Student Discipline Code was developed collaboratively by teachers, parents, and administrators with input from students. Its primary goal is to establish guidelines that create an environment that fosters mutual respect for students, parents, and all staff members; including administrators, teachers, teacher assistants/aides, nurses, secretarial/office staff, custodians and bus drivers. We strive to create a safe and secure learning environment in which all individuals are treated with respect and dignity. Our goals are to provide a safe and encouraging learning environment with high expectations in which all students can succeed and thrive.

In September, your child’s teacher reviewed the components of this code and discussed classroom rules. You are encouraged to discuss the contents of this code with your child and to reinforce its positive goals. Adherence to these rules and guidelines will ensure that your child will have a successful year.

Anthony Mignella  
Assistant Superintendent for Instruction

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## **STUDENT DISCIPLINE CODE**

### **I. MISSION STATEMENT**

All schools in the Baldwin Union Free School District are committed to providing a safe and orderly environment where students may receive and staff delivers quality educational services without disruption or interference. This Code of Conduct, written for students, applies to all students, school personnel, parents and other visitors when on school property or attending a school function. We strive to create a positive learning environment in which all individuals are treated with respect and dignity.

### **II. INTRODUCTION**

This Code of Conduct has been written to follow the NYS SAVE Act and the NYS Dignity Act. The purpose of the Dignity Act is to give all students a safe and supportive environment that is free from discrimination, harassment, bullying, taunting, or intimidation. The district has a long-standing set of expectations for conduct on school property and at school functions. We understand the importance of clearly defining these expectations for acceptable conduct, identifying possible consequences, and making sure that discipline, when necessary, is given promptly, fairly and consistently.

Discipline is a process which encourages responsibility and caring for self and others. Our rules for discipline are firm, fair, and carried out with dignity. Each situation is an opportunity for the student to learn right from wrong and how to be a successful member of society.

### **III. STUDENT RIGHTS**

The district is responsible for and committed to making sure that the rights given to students under state and federal law are followed. All students have the right to be treated fairly with respect and dignity on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex.

## **A BILL OF RIGHTS AND RESPONSIBILITIES FOR ALL SCHOOL STUDENTS**

**RIGHT TO** enjoy school and gain the respect and cooperation of class members and staff

**RESPONSIBILITY TO** treat classmates and staff as they would like to be treated themselves

**RIGHT TO** express feelings and opinions in a polite manner

**RESPONSIBILITY TO** listen to the feelings and opinions of others

**RIGHT TO** achieve according to ability

**RESPONSIBILITY TO** demonstrate effort and task application

**RIGHT TO** make mistakes in one's school work

**RESPONSIBILITY TO** try to do one's best and pay attention in class

**RIGHT TO** a quiet peaceful environment without being disturbed by others

**RESPONSIBILITY TO** use good manners, to follow school rules, and to be aware of penalties for misconduct

**RIGHT TO** participate in appropriate school related activities

**RESPONSIBILITY TO** behave correctly in these activities and to follow the rules

**RIGHT TO** use water fountain and bathroom

**RESPONSIBILITY TO** be honest about your needs

**RIGHT TO** enjoy lunchtime

**RESPONSIBILITY TO** not waste food whether eating at home or school. Respect parents and lunchroom aides

**RIGHT TO** attend a classroom and building that are clean and well kept

**RESPONSIBILITY TO** keep the classroom and building clean

**RIGHT TO** attend a safe school where safety rules are spelled out

**RESPONSIBILITY TO** help maintain order. Follow directions. Be alert, quiet and obedient in fire drills and in school evacuation drills

**A BILL OF RIGHTS AND RESPONSIBILITIES FOR  
ALL SCHOOL STUDENTS (continued)**

RIGHT TO attend school free of physical or verbal abuse

RESPONSIBILITY TO exhibit good conduct in classrooms, in building, and on school grounds

RIGHT TO receive school supplies, books, and materials

RESPONSIBILITY TO take care of school supplies, books, materials and equipment

RIGHT TO have work corrected and receive teacher evaluation

RESPONSIBILITY TO complete classwork and homework assignments and do your best work

RIGHT TO receive additional help with areas causing difficulty

RESPONSIBILITY TO inform teacher of your needs, attend extra-help sessions, and to do assignments

RIGHT TO receive help when necessary from school personnel about social/personal problems

RESPONSIBILITY TO accept advice and work on suggested solutions

RIGHT TO develop leadership qualities

RESPONSIBILITY TO treat peers with equality and fairness

#### **IV. STUDENT RESPONSIBILITIES**

All students in the district have the responsibility to:

1. Be respectful to everyone and their property; that is, to treat others the way you would like to be treated wherever you are.
2. Arrive to school on time and on a daily basis.
3. Be attentive in class and be an active participant in class discussions.
4. Follow all school rules while on school property at all times.
5. Value all property, which includes school and personal properties.
6. Have the courage to do what is right; for example, being an upstander when appropriate.
7. Know what is expected and to do what is expected regarding his/her own actions and words.

#### **V. STUDENT DRESS CODE**

All students are expected to dress in an appropriate manner in school and at school functions. Student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt learning.
2. Recognize that extremely brief garments and see-through garments are not appropriate.
3. Ensure that underwear and midriffs are completely covered with outer clothing.
4. Wear appropriate footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not wear hats, bandannas, or other head coverings in school unless otherwise permitted for a school activity or for a medical or religious purpose.
6. Not include items that are vulgar, obscene, discriminatory, libelous or denigrate others based on a person's actual or perceived race, color, weight, religion, religious practice, national origin, ethnic group, gender, sex, sexual orientation, or disability.
7. Not wear clothing that promotes and/or endorses the use of alcohol, tobacco, or illegal drugs and/or encourages other illegal or violent activities.
8. Not include headphones or earpieces or other electronic devices at any time while on school property except for instructional purposes and in designated areas as directed by the teacher or administrator.
9. Include appropriate protective gear to classes where it is necessary (e.g., home economics, technology and science.)
10. Not include clothing that advocates gang activity.
11. Not include jewelry that can be dangerous such as chains, spikes and other potentially dangerous ornaments.

#### **VI. PROHIBITED STUDENT CONDUCT**

All students are expected to conduct themselves appropriately and with regard for the rights and welfare of other students, school personnel, and other members of the school community, and for the care of school property. The rules of conduct listed below are to

make sure that all individuals are safe and the rights and property of others are respected. Students who do not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their behavior. Students will face logical consequences, including possible suspension from school, when they:

1. Engage in *bullying or harassing behaviors*.
  - a. Discriminate and/or harass on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, or disability, thereby, significantly interfering with a student's educational performance; opportunities or benefits; conduct; and/or mental, emotional, or physical well-being.
  - b. Bully (physically, verbally, socially), or cyber-bully (taking place in or affecting the school environment)
  - c. Intimidate, harass, tease, taunt, haze, and/or threaten to hurt another student or adult in any form including online.
  
2. Engage in *disorderly behavior*.
  - a. Run or scream in the hallway, lunchroom, auditorium, bathroom, or any classroom in the building.
  - b. Use foul language, including cursing, swearing, or sexually suggestive language or make rude hand gestures.
  - c. Violate the dress code as described above.
  - d. Get in the way of motor vehicles or pedestrians.
  - e. Misbehave on a school bus. This includes following the instructions of the bus driver at all times.
  - f. Engage in any behavior that interferes with the normal activities of the school community.
  - g. Trespass onto school property without permission from the administrator in charge of the building.
  - h. Misuse computer/electronic communications, including using (without permission) computers, software or Internet accounts; using inappropriate websites; or any other inappropriate use of technology.
  
3. Engage in conduct that shows *disrespect* to any child or adult either attending or visiting the school or that is disruptive to the school.
  - a. Fail to listen to direction of the principal, teachers, or any school employees in charge of students.
  - b. Leave the classroom or school building without adult permission and/or supervision.
  
4. Engage in *violent behavior*.
  - a. Hit, kick, punch, bite, scratch or do any means of physical harm to another student or

- any adult in the school building.
  - b. Carry a weapon into the school including any object that can harm another person or that is seen as dangerous by the administrator of the school.
  - c. Threaten to use a weapon.
  - d. Damage or destroy personal property of another student or of an adult. This includes graffiti and destruction of school materials.
5. Engage in *dangerous behavior* that affects the safety or health of others.
- a. Lie to an adult in school.
  - b. Steal the property of the school or any person in the school.
  - c. Make false statements about others that could harm their reputation.
  - d. Smoke or use, possess, distribute, sell or exchange alcoholic beverages or illegal drugs on school property.
  - e. Inappropriate using or sharing of prescription and/or over-the-counter drugs.
  - f. Gambling.
  - g. Threats against the school.
  - h. Indecent exposure.
  - i. Making a false report of fire or other catastrophe, misuse of 911, or discharging a fire extinguisher or misuse of the panic button without cause.
6. Engage in academic misbehavior.
- a. Cheat on a test or assignment.
  - b. Copy the work of another student or source without permission.
  - c. Changing grades or records without permission.
  - d. Assisting another student in any of the above actions.
7. Personal cell phones and electronic devices may be carried to school and used only when required by a teacher for educational purposes.

## VII. CONSEQUENCES

The consequences for the above student misbehavior may include the following:

- Removal from an activity
- Removal from class to an alternate setting within school
- Suspension from an activity
- Suspension of bus privileges for a stated period of time
- Contact by either a staff member or an administrator to the child's parents/guardians
- A letter of apology to be written by the child and signed by the parent/guardian of the child

- A conference with either a staff member, administrator or both
- A formal behavior contract to be developed by school personnel with parental input
- In-school suspension
- Suspension from school

If an incident is considered to be an act of bullying, harassment, and discrimination the principal will consult the Dignity Act Coordinator (DAC). Reports of bullying, harassment, and discrimination will be promptly investigated in accordance with District policies and procedures. If the act is determined to be an act of harassment and/or discrimination, a formal incident report is completed and signed by the principal and appropriate disciplinary measures taken. There is an assigned Dignity Act Coordinator for the district, as well as a coordinator for each elementary school in the district.

## **VIII. DUE PROCESS AND MINIMUM PERIODS OF SUSPENSION**

Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others.

### **1. Short term (5 days or less) Suspension from School**

When the Superintendent or Principal (hereinafter 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 of the charged misconduct. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

### **2. Long term (more than 5 days) Suspension from School**

When the suspending authority determines that a suspension for more than five days may be warranted, the student will have the opportunity to have a fair hearing conducted in accordance with Education Law §3214. The suspending authority shall give reasonable notice to the student and the student’s parents/persons in parental relation of their right to a fair hearing.

### **3. Minimum Period of Suspension**

- a. Students who bring or possess a weapon on school property: suspension from school for at least one calendar year. The Superintendent has the

- authority to modify the one-year suspension on a case-by-case basis.
- b. Students who commit violent acts other than bringing or possessing a weapon on school property: suspension from school for at least five days. The Superintendent has the authority to modify the suspension on a case-by-case basis.
  - c. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: suspension from school for at least five days. The Superintendent has the authority to modify the suspension on a case-by-case basis.

## **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

All students with disabilities are expected to follow the above Code of Conduct. The Baldwin Union Free School District is required by law to follow the Individualized Educational Program (IEP) of students with disabilities and must handle all disciplinary cases under IDEA and Article 89.

Discipline resulting in the removal of a student with disabilities, will be conducted in accordance with the due process procedures applicable to removal 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 manifestation team has determined that the behavior is not a manifestation of the student's disability.

## **X. REPORTING VIOLATIONS**

All students are expected to promptly report violations of the "Code of Conduct" to a teacher, guidance counselor or building administrator. Any student observing a student possessing a weapon, alcohol, illegal substance, or another violation of the "Code of Conduct" on school property or at a school function shall report this information immediately to a teacher, guidance counselor, or building administrator.

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

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

The building Principal or the Principal's designee must notify the appropriate local law enforcement agency of "Code" violations which may constitute a crime and substantially affect the order or security of a school as soon as practical but in no event later than the close of business the day the Principal or the Principal's designee learns of the violation. The notification may be made by telephone, followed by a letter mailed home in a timely fashion. The notification must identify the student and explain the conduct that violated the "Code of Conduct" and constituted a crime.

Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed or discriminated against, parents whose children have been bullied, harassed or discriminated against, or other students or staff who observe bullying, harassing or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided, as well as any applicable district policies. (Refer to BOE Policy 0115, Student Harassment and Bullying Prevention and Intervention; BOE Policy 0100/2600 Equal Opportunity/Nondiscrimination; and BOE Policy 0110/2610/2620, Sexual Harassment.)

Dignity Act Coordinator Contact Information

The name and contact information for each school building's Dignity Act Coordinator is provided below:

<u>Name</u>	<u>School Building</u>	<u>Contact Information</u>
Asst. Supt., Human Resources	District Office	434-6030
Asst. Supt., Instruction	District Office	434-6020
Assistant Principal	Senior High School	434-6134
Assistant Principal	Senior High School	434-6103
Principal	Middle School	434-6201
Principal	Brookside Elementary	434-6301
Principal	Lenox Elementary	434-6401
Principal	Meadow Elementary	434-6501
Principal	Plaza Elementary	434-6601
Principal	Steele Elementary	434-6701

This information shall also be posted on the District's web site and included in the plain language summaries of the code of conduct provided to parents and students and shall be further disseminated in accordance with law and regulations.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination is prohibited under law.

## GLOSSARY

The following definitions apply:

**“Bullying”** is unwanted aggressive behavior that is done on purpose and has the potential of being repeated over time. By going after someone to make him/her feel bad, the bully has a real or perceived sense of power. Bullying usually involves the following characteristics:

- An imbalance of power: children who bully use their power, such as physical strength, getting hold of embarrassing information, or popularity, to control or harm others. The imbalance of power can change over time and in different situations, even if they involve the same people.
- Intent to cause harm: the person bullying has a goal of causing harm.
- Repetition: bullying behaviors usually happen more than once or have the possibility of happening more than once.

Examples of bullying include, but are not limited to:

- Physical bullying (hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone’s things and making mean or rude hand gestures)
- Verbal bullying (teasing, name-calling, inappropriate sexual comments, taunting, threatening to cause harm, using vulgar or abusive language, cursing or swearing, as well as slurs that refer to race, color, weight, religion, gender, sexual orientation or disability)
- Social bullying (leaving someone out on purpose, spreading rumors about someone, gossiping, forming cliques, telling other children not to be friends with someone, and embarrassing someone in public).

**“Cyber-bullying”** is when you use technology, like email, instant messages, cell phones, blogs, chat rooms, pagers, and gaming systems, to purposefully make someone feel bad or feel threatened. Examples include, but are not limited to:

- Sending hurtful, rude, or mean text messages, or emails to others.
- Spreading rumors or lies about others by text message or email or posting on social networking sites.
- Creating or sharing pictures, websites, videos, or social media profiles, including fake profiles that embarrass, humiliate or make fun of others or impersonate someone else.

**“Sexting”** means sending, receiving, or forwarding sexually suggestive, nude, or nearly nude photos through social media.

## GLOSSARY (Continued)

**“Dignity Act”** is a New York State law that says that all students should be respected and treated fairly at all times by other students and adults and should not be made fun of or excluded because of their race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. (the 11 “protected classes”)

**“Discrimination”** is not being respectful or fair to someone because of his or her race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

**“Employee”** is any person who works in or for the school.

**“Harassment”** is when someone bothers another person by verbal threats, threatening gestures, or intimidation, thereby causing a student to fear for his/her physical and/or emotional safety.

**“Hazing”** is when someone forces a person to do something dangerous or embarrassing in order for him/her to be accepted into a group.

**“Intimidation”** is frightening someone in order to make him/her do something.

**“School bus”** is any vehicle used to move students and/or staff to and from school or school activities.

**“School property”** means any area in and around the school, which is used by the school, including the playground, the bathrooms, hallways, lunchroom, athletic fields or the school bus.

**“Taunting”** is making fun of, insulting, or heckling another person.