



VANDERHEYDEN

Giving new life to youth, adults and families

VANDERHEYDEN  
CODE OF CONDUCT

2020-2021

School Year

**CODE OF CONDUCT**

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September 2020

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## I. Introduction

- During the COVID-19 pandemic, all school rules and regulations are subject to changes mandated by guidance from local, state and federal authorities.
- A. The Board of Directors is committed to providing a safe 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 school personnel, parents and other visitors is essential to achieving this goal.
  - B. This Code of Conduct in compliance with the Schools Against Violence (SAVE) legislation, which took effect on July 1, 2001, for all school districts in New York State. The code includes high standards for student conduct, outlines clear consequences for students who violate any part of the code and serves as a standard for consistency and fairness that protects students' rights while promoting their responsibility.
  - C. Students at school-sponsored off-campus events shall be governed by all the rules and regulations of the school and all provisions of this code, and are subject to the authority of the school district officials.
  - D. If you have any questions about the material contained in this document, please contact the building principal or the President/CEO of Vanderheyden. A complete copy of the Vanderheyden Code of Conduct is available in the main office of the school and on the school's official Web site at [www.vanderheyden.org](http://www.vanderheyden.org).

## II. Definitions: (For purposes of this code, the following definitions apply)

- A. **"Student"** refers to a child enrolled as a 7-12 registrant, in any of Vanderheyden's academic programs.
- B. **"Parent"** means parent, guardian or person in parental relation to a student.
- C. **"School property"** means in or within any building, structure, athletic playing field, pool, basketball court, parking lot or land contained within the real property boundary line of a or secondary school, or any property owned and operated by the agency, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
- D. **"School function"** means any school-sponsored extracurricular event or activity, on the campus or off school grounds.
- E. **"Disruptive student"** means a student at or under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, or with the authority of other school employees.
- F. **"Violent student"** means a student at or under the age of 21 who:
1. Commits an act of violence upon a school employee, or attempts to do so.
  2. Commits an act of violence upon another student or any other person on school property or at the school function, or attempts to do so.
  3. Possesses a weapon while on school property or at a school function.
  4. Displays what appears to be a weapon while on school property or at a school function.
  5. Threatens to use a weapon while on school property or at a school function.
  6. Threatens to bring or use a weapon on school property or at a school function.
  7. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function.
  8. Knowingly and intentionally damages or destroys school district property.
- G. **"Contraband"** means, but not limited to, electronics (including but not limited to cell phones, mp3 players, e-cigarettes), drugs (prescription and/or illicit), cigarettes, tobacco products in any form, alcohol, lighters, matches, pornography and any item that may cause harm to oneself or others.
- H. **"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, 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.
- I. **"Gender"** means actual or perceived sex and shall include a person's gender, identity or expression.

- J. **“Gender expression”** is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- K. **“Gender identity”** is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- L. **“Sexual orientation”** means actual or perceived heterosexuality, homosexuality or bisexuality.
- M. **“PBIS”** means Positive Behavioral Interventions and Support. A proactive approach to preventing and responding to school and classroom behavior.

### III. Essential Partners

- A. All students are expected to know the policies and regulations of the school district and abide by them
- B. 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 and collaborate with the district to optimize their child’s educational opportunities.
  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. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
  6. Inform school officials of changes in the home situation that may affect student conduct or performance.
  7. Help their children understand that rules are required to maintain a safe, orderly environment.
  8. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
  9. Convey to their children a supportive attitude toward education.
  10. Build positive, constructive relationships with teachers, other parents and their children’s friends.
  11. Help their children deal effectively with peer pressure.
  12. Provide a place for study and ensure homework assignments are completed.
- C. All school teachers are expected to:
  1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex, which will strengthen students’ self-concept and promote confidence to learn.

2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Be familiar with the Code of Conduct.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Maintain confidentiality in conformity with federal and state law.
7. 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
8. Communicate regularly with students, parents and other teachers concerning growth and achievement.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
10. Address issues of 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.

D. All school clinicians are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
4. Be familiar with the Code of Conduct.
5. Initiate teacher/student/counselor conferences and parent/teacher/ student/counselor conferences, as necessary, as a way to resolve problems.
6. Regularly review with students their educational progress and career plans.
7. Maintain confidentiality in accordance with federal and state law.
8. Provide information to assist students with career planning.
9. Encourage students to benefit from the curriculum and extracurricular programs.
10. Make known to students and families the resources in the community that are available to meet their needs.
11. Participate in school-wide efforts to provide adequate supervision in all school spaces.

12. Address issues of 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.
13. Address personal biases that may prevent equal treatment of all students.

E. All other school personnel are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex.
2. Maintain confidentiality in accordance with federal and state law
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Be familiar with the Code of Conduct.
5. Help students understand the district's expectations for maintaining a safe and orderly environment.
6. Participate in school-wide efforts to provide adequate supervision in all school spaces.
7. Address issues of 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.

F. All district principals/administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Know school policies and rules, and enforce them in a fair and consistent manner.
4. Be familiar with the Code of Conduct.
5. Maintain confidentiality in accordance with federal and state law.
6. Evaluate on a regular basis all instructional programs to ensure inclusion of civility education in the curriculum.
7. Support the development of and student participation in appropriate extracurricular activities.
8. Provide support in the development of the Code of Conduct, when called upon. Disseminate the Code of Conduct and anti-harassment policies.
9. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
10. Participate in school-wide efforts to provide adequate supervision in all school spaces.

11. Address issues of 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.
12. Address personal biases that may prevent equal treatment of all students and staff.

G. The Agency CEO is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
4. Be familiar with the Code of Conduct.
5. Know school policies and rules, and enforce them in a fair and consistent manner.
6. Maintain confidentiality in accordance with federal and state law.
7. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
8. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health of 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 and staff.

H. Members of the Board of Directors are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, expression or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student, teacher, administrator, 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.



5. Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner as well as in accordance with any and all applicable laws and/or New York State Regulations.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any students, 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 and staff.

#### **IV. Students' Rights and Responsibilities**

The school is committed to safeguarding the rights given to all students under federal and state law and school policy. In addition, to promote a safe, healthy, orderly and supportive school environment, the district has established the following student rights and responsibilities.

##### **A. Student Rights**

1. Each student at or under the age of 21 has the right to take part in all district activities and education regardless of race, weight, color, gender, religion, religious practice, national origin, ethnic group, economic status, sexual orientation or disability and also the responsibility not to interfere with or threaten the education of others.
2. Vanderheyden students have the right to access school policies, regulations and rules and, when necessary, receive an explanation of those rules and seek changes in district policies and regulations in an orderly fashion through discussions with the administrative staff.
3. Vanderheyden students will be afforded a due process hearing where they will have the right to present their version of relevant events to school personnel and to question and review any witnesses or evidence brought against them by the school administration before imposition of penalty.
4. Under the Family Educational Rights and Privacy Act (FERPA), parents and students who are over 18 years of age have the right to inspect and review the student's educational records and have the right to request the amendment of the student's education records believed to be inaccurate or misleading. They also have the right to consent to disclosure of personally identifiable information in a student's education record, except to the extent that FERPA authorizes disclosure without consent. More information regarding FERPA rights and procedures is described on the District Web site, in the Board of Education Policy 5500 and in back-to-school mailings. Note: The Board of Director policy books may be reviewed at the school of Vanderheyden, and online at [www.vanderheyden.org](http://www.vanderheyden.org).
5. As a general rule, information received by teachers and other school officials is not privileged (except for provisions of the Family Educational Rights and Privacy Act of 1974), and may be revealed by the recipient of such knowledge whenever he or she feels that it is appropriate to do so. However, some communications made in connection with drug or alcohol abuse prevention programs may be kept confidential. A student who is concerned about the

confidentiality of communications he/she makes to staff members should ask the staff member in advance whether the information could be kept confidential.

B. Student Responsibilities - all district students have the responsibility to:

1. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
2. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning. Show respect to other persons and to property.
3. Refrain from interfering with or threatening the education or rights of others.
4. Attend school every day unless they are excused and be in class, on time and prepared to learn.
5. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
6. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
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, as defined in the Student Dress Code. (See Section IX of this Code.)
10. Accept responsibility for their actions.
11. Conduct themselves appropriately as representatives of the district when participating in or attending school functions.

## V. Prohibited Student Conduct

The Board of Directors expects all 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, 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 educating students so they may grow in 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 that follow are intended to do that and focus on safety and respect for the rights and property of others. 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 conduct.

### **Students may be subject to disciplinary action when they:**

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

1. Using language or gestures that are profane, lewd, vulgar or abusive.
  2. Obstructing vehicular or pedestrian traffic.
  3. Engaging in any willful act that disrupts the normal operation of the school community.
  4. Trespassing. Students are not permitted in any school office or school building, other than the one they regularly attend, without permission from the faculty member in charge.
  5. Entering a building/facility after regular hours or using any facility for anything other than its intended purpose.
  6. Misusing computer/electronic communications, including any unauthorized use of computers, software or Internet/intranet account; accessing inappropriate Web sites; or any other violation of the Student - Internet Account Acceptable Use Policy (AUP).
- B. Engaging in conduct that is insubordinate and/or disruptive to student learning or teacher instruction. (Examples of insubordinate and/or disruptive conduct include but are not limited to :)
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Arriving late for, missing or leaving school without permission.
  3. Physical and/or sexual contact.
  4. Display or use of personal electronic devices, such as, but not limited to, cell phones, iPods and digital cameras, in a manner that is in violation of district policy.
- C. Engage in conduct that is violent or threatening. (Examples of violent or threatening conduct include, but are not limited to :)
1. Threatening an act of violence (such as hitting, kicking, punching, spitting, and scratching) against a teacher, administrator, and other school employee or against another student or any other person on school property or at a school function, or attempting to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
  3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
  4. Displaying what appears to be a weapon.
  5. Threatening to use any weapon, or any object as a weapon.
  6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person.
  7. Intentionally damaging or destroying school district property.
- D. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. (Examples of such conduct include but are not limited to :)
1. Lying to school district personnel.

2. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct that creates a substantial risk of physical injury.
3. Stealing the property of other students, school personnel or any other person on school property or while attending a school function.
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Discrimination, which includes the use of race, color, gender, gender identity, gender expression, sex, religion, ethnic group, national origin, economic status, sexual orientation, weight or disability as a basis for treating another in a negative manner.
6. Harassment, which includes a sufficiently severe action or persistently pervasive pattern of actions or statements directed at an identifiable individual or group that are intended to be, or which a reasonable person would perceive as, ridiculing or demeaning. Harassment is also the creation of a hostile environment.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Bullying, which may be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror.
9. Cyberbullying or cyber threats, and other inappropriate acts using technology.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
11. Physically detaining or restraining any other person.
12. Selling, using or possessing obscene material.
13. Using vulgar or abusive language, cursing or swearing.
14. Smoking a cigarette, E-cigarette, cigar, pipe or using chewing or smokeless tobacco.
15. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, lookalike drugs and any substances commonly referred to as "designer drugs."
16. Inappropriately possessing, consuming, selling, distributing or exchanging prescription and over-the-counter drugs.
17. Gambling.
18. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
19. Initiating a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911 or discharging a fire extinguisher.

#### E. Harassment

1. General Harassment, which includes severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group that is intended to be, or that a reasonable person would perceive, as ridiculing or demeaning.

2. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
3. Cyberbullying or cyber threats, and other inappropriate acts using technology.
4. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team.
5. Sexual Harassment:
  - i. Sexual Harassment: a severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group that is intended to be or that a reasonable person would perceive as ridiculing or demeaning based on gender and sexual orientation.
  - ii. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

The Board of Directors affirms its commitment to non-discrimination and recognizes its responsibility to provide all district students with an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to the district's philosophy and policies. Therefore, the Board of Directors prohibits all forms of sexual harassment by employees and students.

#### F. Racial Harassment

1. Racial Harassment: a severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group that is intended to be or that a reasonable person would perceive as ridiculing or demeaning based on race and/or ethnicity.
2. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.

The Board of Directors recognizes its responsibility to provide all district students with an environment free of racial harassment and intimidation. Racial harassment is a violation of Title VI of the Civil Rights Act of 1964 and stands in direct opposition to the school's philosophy and policy. Therefore, the Board prohibits all forms of racial harassment by employees and students.

- G. Engage in misconduct while on a school bus. (Students are required to conduct themselves on the bus in a manner consistent with establishing standards for bus behavior.)
- H. Engaging in any form of academic misconduct.
- I. Engaging in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt, the education process in the school or at a school function. (Examples of such misconduct include, but are not limited to :)

1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text)
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

## VI. Academic Integrity

### A. Definitions:

1. Academic integrity governs the way in which a student writes, performs research, and fulfills the responsibilities of learning in a positive and constructive manner at Vanderheyden. It is founded on the principles of respect for knowledge, truth, scholarship and acting with honesty. These principles and values are the foundation of learning. The purpose of this section of the Code of Conduct is to outline the school district's expectations regarding academic integrity.
2. Academic dishonesty/misconduct includes but is not limited to: cheating, fabrication, plagiarism, altering records, copying, and facilitating dishonesty. Appropriate sanctions may be imposed on any student who has committed an act of academic dishonesty.
  - a. Academic dishonesty is the attempt to secure unfair advantage for oneself or another in any academic exercise.
  - b. The following is an extensive, though not exhaustive, list of actions that are considered to be academically dishonest.
3. Cheating is the use or attempted use of deception, fraud and/or misrepresentation of one's academic work. This includes, but is not limited to:
  - a. copying answers from another student;
  - b. using books, notes, conversations with others;
  - c. calculators, cell phones and other electronic devices or any other type of external assistance during an examination or other academic exercise without the permission of the instructor;
  - d. collaborating with others on homework, lab reports, computer programs, or other academic assignments without the permission of the instructor;
  - e. obtaining the answers to or a copy of an examination prior to its administration.
4. Fabrication is the falsification or invention of any information or citation in any academic exercise. This includes, but is not limited to:
  - a. using "invented" information in any laboratory experiment or other academic exercise of research without permission of the teacher;
  - b. altering and resubmitting returned academic work without permission of the teacher;
  - c. misrepresenting the actual source from which information is cited (such as citing a quote from a book review as though it came from the original work).

5. Plagiarism is the representation of the words or ideas of another as one's own work in any academic exercise. This includes, but is not limited to:
  - a. failing to properly identify direct quotations by quotation marks or appropriate indentation and formal citation;
  - b. failing to acknowledge and properly cite paraphrasing or summarizing material from another source;
  - c. failing to acknowledge and properly cite information obtained from the Internet or other electronic media as well as other sources;
  - d. submitting term papers written by another, including those obtained from commercial term paper companies or the Internet;
6. Facilitating dishonesty is knowingly helping or attempting to help another commit any act of academic dishonesty. This includes, but is not limited to:
  - a. substituting for another person in an examination;
  - b. allowing another to copy one's work in an examination or other academic exercise.
7. Other prohibited actions:
  - a. submitting all or substantial portions of the same work to fulfill the requirements for more than one course without the prior permission of the instructor(s);
  - b. self-plagiarizing forging or otherwise altering grades, transcripts, course withdrawal forms, or other academic document;
  - c. illegally accessing a computer drive, network folder, etc.;
  - d. stealing or destroying the academic work of another, such as a computer disk, external storage drive, term paper or notebook.

## **VII. Standards for Student Conduct**

### **A. Attendance**

1. Regular attendance and punctuality are expected of students from the first day of school. Students should understand that regular school attendance is essential to their educational development and well-being. With some exceptions, every student enrolled in school is expected to be present. State law specifies that certain legal absences are permitted, of which personal illness is most common.
2. Absences, tardiness and early departures (ATED) from class or school are excused if they are due to personal illness, illness or death in the family; impassable roads or weather; religious observance; quarantine; or medical appointments. All other ATEDs are considered unexcused absences.

3. All ATEDs must be accounted for. It is the parent's/guardian's responsibility to notify the school office on the day of the ATED and to provide a written excuse upon the student's return to school.
4. Students may lose the opportunity to take regents exams if the total number of lab hours is not complete as per New York State requirements.
5. Attendance during the COVID-19 pandemic will be subject to review dependent upon the usage of remote learning and specific attendance guidelines communicated to students and parents when remote learning is in place.

#### B. Student Inquiry and Expression

1. Students are entitled to express their personal opinions verbally or in writing or by symbolic speech. The expression of such opinions, however, shall not interfere with the freedom of others to express themselves. Libel, slander, the use of obscenity and comments that disparage an individual's race, color, weight, gender, religion, ethnic origin, economic status, sexual orientation or disability are prohibited.
2. All persons are prohibited from distributing any printed or written materials on school property or in the immediate vicinity without the prior permission of the building principal. To obtain such permission, the person wishing to distribute the material shall provide a copy to the building principal with a written request that the building principal give permission for its distribution. This written request shall contain a brief statement of when, where and how the material is to be distributed.
3. Student publications, whether or not they are officially recognized, should observe the normal rules of responsible journalism and must comply with Paragraph 1 above. Within these limits, students are free to report the news and to editorialize. Student publications should reflect the policy and judgment of the student editors. The district has no responsibility to assist in the production of student publications, other than those that have been officially recognized. Students may be held responsible for libelous or obscene materials contained in student publications. Student publications may be distributed only after permission is granted pursuant to Paragraph 2 above.

#### C. Search and Seizure

1. Student lockers and desks are purchased and maintained by the school district and remain the property of the school district. However, the school district is not responsible for books, clothing or valuables left in lockers or in desks. A student shall not place, keep or maintain in a school-owned locker or desk any article or material of a non-school nature that may cause or tend to cause the disruption of the lawful mission of the school.
2. The following rules shall apply to the search of any student, student property or school property and the seizure of any illegal items found therein.
  - a. School district officials have the right and responsibility to search student lockers and/or desks at any time.
  - b. In addition, the Board authorizes the building administration and their designees to conduct searches of students and their belongings at any time there is reasonable suspicion. Metal detection devices may be used to assist in the search process.



- c. Items that are prohibited on school property or are used to disrupt or interfere with the educational process may be removed from student lockers, desks and/or automobile or other personal property by school authorities.
- d. School district officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:
  - 1. A search or arrest warrant; or
  - 2. Probable cause to believe a crime has been committed on school property or at a school function; or
  - 3. Been invited by school district officials.
- e. The administration or designee will be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

### **VIII. Computer and Internet Acceptable Use**

- A. Vanderheyden provides students with access to district computers and to the Internet. Students' use of computers and access to the Internet while at school are privileges and are intended to be for educational purposes only.
- B. All parents and students are required to review and sign Vanderheyden's Student - Internet Account Acceptable Use Policy (AUP). . By signing the agreement, parents and students agree to comply with the regulations set forth therein.
- C. Failure to comply with the regulations may result in disciplinary action.

### **IX. Student Dress Code**

- A. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.
- B. 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.
- C. A student's dress, grooming and appearance, including hair, jewelry, make-up and nails, shall:
  - 1. Be safe and appropriate and not disrupt or interfere with the educational process.

2. Not include extremely brief, revealing or see-through garments or garments that expose undergarments and/or midriffs, including spaghetti string straps, halter-tops, etc.
  3. Not include pajama pants, or other sleep attire.
  4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
  5. Not include the wearing of hats/headgear inside the school during the school day except for a medical or religious purpose, or for approved activities.
  6. Not include items that are vulgar, obscene or libelous or that denigrate others on account of race, color, weight, gender, religion, ethnic origin, sexual orientation or disability in an expressed or implied manner.
  7. Not promote or endorse the use of alcohol, tobacco or illegal drugs or encourage other illegal or violent activities.
  8. Not denote or represent gang affiliation such as bandanas, beads, jewelry or other indicators and/or symbols intended expressly so.
- D. Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item.
- E. Any student who refuses to do so shall be subject to discipline.
- F. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including suspension.
- G. The building principal or designee shall be responsible for informing all teachers, 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.

## **X. Prohibition of Gangs, Gang Activity and Fraternities/Sororities**

- A. No student shall commit any act that furthers exclusionary groups such as fraternities/sororities, gangs or gang-related activities.
- B. Conduct prohibited by this policy includes:
1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, or symbols, signs or other items that may be evidence of membership or affiliation in any gang or fraternity/sorority.
  2. Communicating either verbally or non-verbally (gestures, slogans, drawing, etc.) to convey membership or affiliation in a gang or fraternity/sorority.
  3. Tagging, otherwise defacing school property with fraternity/sorority, gang, or gang-related symbols or slogans.
  4. Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to fraternity/sorority or gang activity.
  5. Inciting other students to intimidate or to act with physical violence upon other person related to fraternity/sorority or gang activity.
  6. Soliciting others to fraternity/sorority or gang membership.

7. Committing any other illegal act or other violation of school policies that relates to fraternity/sorority or gang activity.

## **XI. Transportation Code**

- A. The safety of all students is our primary concern. All school buses are “school property of the home school district transporting the student” and are subject to all rules set forth by the home school district Code of Conduct. Each student has an individual responsibility to help ensure the safety of all students on the bus by following the rules. A student is expected to listen to and obey all instructions from transportation personnel when coming to school, going home and riding in agency vehicles.
- B. Examples of agency vehicles misconduct include but are not limited to:
  1. Roughhousing while waiting to board agency vehicle.
  2. Bringing prohibited items onto a agency vehicle. Prohibited items include, but are not limited to, skateboards, animals, flammable materials of any kind, medications that contain controlled substances and weapons of any kind.
  3. Making threatening gestures and/or comments.
  4. Disregarding the instructions of the agency vehicle driver.
  5. Swearing or using inappropriate language.
  6. Eating, drinking or smoking on an agency vehicle.
  7. Damaging or vandalizing any part of an agency vehicle.
  8. Fighting, pushing or shoving.
  9. Standing while the agency vehicle is moving.
  10. Failing to keep head, hands and feet inside the agency vehicle at all times.
  11. Throwing any objects within or out of agency vehicle or bus.

## **XII. Athletic Policies and Training Rules**

\*During the COVID-19 pandemic, sports restrictions emanating from the office of the Governor of New York State will be imposed with fidelity.

- A. Participation in interscholastic athletics at Vanderheyden is a privilege. This participation should elicit great pride among all school community members. Part of the responsibility that goes with the participation in school sports is the need to maintain satisfactory standards of behavior.
- B. Before a student is permitted to participate on an athletic team, both the student and parent must sign an Athletics Participation agreement form and return it to either the athletic coach of the stated sport. The signatures of both the student athlete and the parent indicate that each person agrees to respect and abide by these rules and behavior expectations in order to participate in athletics at Vanderheyden. This form is included in the handbook and may be obtained from a coach or the athletic coach.

- C. Student athletes will be disciplined by school district administrators for infractions using the guidelines set forth in this Code of Conduct.

### **XIII. Extracurricular Activities and Clubs**

**\*During the COVID-19 pandemic, extra-curricular activities will be limited according to all guidance from the Department of Health and the office of the Governor of the State of New York**

- A. Student organizations cannot restrict membership on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
- B. Students may not be denied participation in any activity for any reason other than those established by state, county or school eligibility requirements and those requirements legitimately related to the purpose of the activity.
- C. The school district requires student organizations to register with the school in order to obtain available school funds and the use of school facilities.
- D. All student meetings in the school buildings or on school grounds may function only as part of the formal education process or as authorized by the building principal.
- E. No student group may meet without the direct supervision of a school employee.
- F. Student organizations have the responsibility to make clear to the public that their programs do not necessarily reflect the view of the institution as a whole. Use of the school or district name when participating in a public demonstration is improper unless the building principal or his/her designee has granted permission.
- G. Student organizations also have the responsibility to recognize that persons who disagree with their view and programs have the right to choose for themselves whether to listen to the groups' points of view and must not be coerced or harassed into doing so.

### **XIV. Procedures for Addressing Student Misconduct and Violations of the Code of Conduct**

- A. 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.
- B. 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 appropriateness of other forms of discipline.
  5. Information from parents, teachers, staff and/or others, as appropriate.
  6. Other extenuating circumstances.
- C. As a general rule, discipline will be progressive, meaning that a student's first violation will usually merit a lighter penalty than subsequent violations. However, school personnel may impose a more severe penalty for a first violation depending on the specific facts and circumstances of the incident.
- D. The building principal or designee will consult with the appropriate local law enforcement agency regarding violations that constitute a crime. Notification to the parent will be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.
- E. If the conduct of a student is related to a disability or suspected disability, the students shall be referred to the Committee on Special Education, when required by law. Discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, except to the extent permitted by law.
- F. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted.

#### G. Reporting Violations

1. All students are expected to promptly report violations of the Code of Conduct to any staff member or administrator.
2. Any student observing another student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to any staff member or administrator. Failure to report will warrant disciplinary action on the student who failed to report such information.
3. All school personnel who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School personnel 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.

#### H. Removal of a Disruptive Student from the Classroom

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. On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of

the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the 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

1. Removal from the classroom may include, but are not limited to:
  - a. Meeting with a school administrator;
  - b. Meeting with a clinician;
  - c. Time away with a behavior staff;
  - d. For the protection of a targeted or disruptive student.
2. 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 staff member request the removal of a student from class.
3. The teacher must complete a disciplinary form and meet with the building principal or designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the situation. If the building principal or designee is not available by the end of the same school day, the teacher must leave the form with the designated personnel and meet with the principal or designee prior to the beginning of classes on the next school day.
4. Within 24 hours after the student's removal, the building principal or designee must notify the student's parents, in writing, that the student has been removed from the class and why. The notice must also inform the parent that he or she and the student have the right, upon request, to meet informally with the principal or designee to discuss the reasons for the removal. (If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)
5. The written notice must be provided by personal delivery, express mail delivery or some other means that is reasonably calculated to ensure receipt of the notice at the last known address for the parents within 24 hours of the student's removal. 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. (If the 24-hour period does not end on a school day, the time period will be extended to the corresponding time on the next school day.)
6. The informal meeting, if requested by the parents/guardians, 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 and building principal. The building principal will require the teacher who ordered the removal to attend the informal conference. If at the informal meeting the student denies the charges, the building principal or the assistant principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of relevant events.
7. The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

8. Any disruptive student removed from the classroom by the administrator shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
9. The building main office must keep a log of all removals of students from class.
10. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement.

## **XV. Reportable Infractions**

- A. Anything listed within the Justice Center reportable incidents.  
(Refer to [www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)).
- B. Any behavior that could potentially warrant police involvement including but not limited to the following:
  1. Assault resulting in physical injury/serious physical injury;
  2. Vandalism totaling more than \$100;
  3. Possession, use or threatened use of a weapon;
  4. Possession, use, sale or distribution of illegal drugs or unauthorized prescription drugs;
  5. Burglary;
  6. Bomb threat/false fire alarm/false 911 call;
  7. Sexual offenses (forcible and other).

## **XVI. Consequences and Sanctions**

### **A. Suspension from School**

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the School Administration.

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

2. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Administration. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.
3. 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.
4. After the conference, the Administration shall promptly advise the parents in writing of his or her decision. The Administration shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Administration within **ten (10)** business days, unless they can show extraordinary circumstances precluding them from doing so. The Administration shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Administration decision, they must file a written appeal to the Board of directors within 10 business days of the date of the Administration decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

#### B. Long term (more than five days) Suspension from School

1. When the Administration determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a 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.
2. The Administration shall 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 Administration. The report of the hearing officer shall be advisory only, and the Administration may accept all or any part thereof.
3. An appeal of the decision of the Administration may be made to the Board, which 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 **thirty (30)** days of the date of the Administration decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the Administration. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.



### C. Minimum Periods of Suspension

#### 1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school with a superintendent's hearing of their home district and a program review. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Administration has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Administration may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The Administration belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances.

A student with a disability may be suspended in accordance with the requirements of state and federal law.

#### 2. Students who commit violent acts other than bringing or possessing a weapon on school property

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Administration has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Administration may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended in accordance with the requirements of state and federal law.

#### 3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Administrator has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Administration may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended in accordance with the requirements of state and federal law.

#### 4. Referral to Juvenile Justice System

PINS Petitions: The student's home 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:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct that makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses controlled substances in violation of penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition.
- d. Juvenile Delinquents and Juvenile Offenders: The Administration is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  1. Any student under the age of 16 who is found to have brought a weapon to school; or
  2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).
  3. The Administrator is required to refer students age 16 and older or any student 14 or 15 years old who qualify for juvenile offender status to the appropriate law enforcement authorities.

## 5. Alternative Instruction

When a student of any age is removed from class by an administrator 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.

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

The Board of Directors recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the school follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

### **A. Definitions**

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan* (BIP) means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *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, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and

because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.
6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) 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 a pocket knife with a blade of less than two and one-half inches in length.

## **B. Authority of School Personnel to Suspend or Remove Students with Disabilities**

The School Administrators with authority to suspend students under the Education Law 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.

The School Administrator may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the School Administrator determines that the student's behavior warrants the suspension. The School Administrator also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the School Administrator may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the student's disability. In such an instance, the School Administrator may discipline the student in the same manner and for the same duration as a non-disabled student.

Furthermore, the School Administrator may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability to an IAES to be determined by the committee on special education for a period of up to 45 school days if the student either:

1. Carries or possesses a weapon to or at school, on school premises or to a school function, or
2. 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 under the district's jurisdiction, or
3. Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.

The School Administrator may order the placement of a student with a disability to an IAES under such circumstances, whether or not the student's behavior is a manifestation of the student's disability. However, the committee on special education will determine the IAES.

### **C. Procedures for the Suspension or Removal of Students with Disabilities by School Personnel**

1. In cases involving the suspension or removal of a student with a disability for a period of five consecutive school days or less, the student's parents or persons in parental relation to the student will be notified of the suspension and given an opportunity for an informal conference in accordance with the same procedures that apply to such short term suspensions of non-disabled students.
2. The suspension of students with disabilities for a period in excess of five school days will be subject to the same due process procedures applicable to non-disabled students, except that the student disciplinary hearing conducted by the School Administrator or a designated hearing officer shall be bifurcated into a guilt phase and a penalty phase. Upon a finding of guilt, the School Administrator or the designated hearing officer will await notification of the determination by the manifestation team as to whether the student's behavior was a manifestation of his or her disability. The penalty phase of the hearing may proceed after receipt of that notification. If the manifestation team determined that the behavior was not a manifestation of the student's disability, the student may be disciplined in the same manner as a nondisabled student, except

that he or she will continue to receive services as set forth below. However, if the behavior was deemed a manifestation of the student's disability, the hearing will be dismissed, unless the behavior involved concerned weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, in which case the student may still be placed in an IAES.

#### **D. Limitation on Authority of School Personnel to Suspend or Remove Students with Disabilities**

The imposition of a suspension or removal by authorized school personnel may not result in a disciplinary change of placement of a student with a disability that is based on a pattern of suspensions or removals as set forth above in the *Definitions* section of this policy, unless:

1. The manifestation team determines that the student's behavior was not a manifestation of the student's disability, or
2. The student is removed to an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury as set forth above.

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

#### **E. Parental Notification of a Disciplinary Change of Placement**

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

#### **F. Authority of an Impartial Hearing Officer to Remove a Student with a Disability**

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

#### **G. Manifestation Review**

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

1. The School Administrator to change the placement of a student to an IAES;
2. An impartial hearing officer to place a student in an IAES; or

3. The Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

1. Caused by or had a direct or substantial relationship to the student's disability, or
2. The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the school will:

1. Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
2. Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

## **H. Services for Students with Disabilities during Periods of Suspension or Removal**

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

1. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.

2. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

3. During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

### **I. Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the district had such knowledge, it will be the responsibility of the, Building Principal or other authorized school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or



3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The School conducted an evaluation of the student and determined that the student is not a student with a disability.

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 the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

#### **J. Expedited Due Process Hearings**

The school or home district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

1. The school district 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;
2. The district 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;
3. The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
4. The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the

IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

#### **K. Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, the school will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Administrator will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

### **XVIII. STUDENT SEARCHES AND INTERROGATIONS**

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

The Board authorizes the Administrators of the School, the school nurse and Safety Officer to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A., 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 district code of conduct.

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

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

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district 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

The rules in this code of conduct 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.

#### B. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

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

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

#### C. Police Involvement in Searches and Interrogations of Students

School officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

- a) They must be informed of their legal rights.
- b) They may remain silent if they so desire.
- c) They may request the presence of an attorney.

#### D. 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 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, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other school medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

#### E. JUSTICE CENTER

The Vision of the Justice Center is that:

*People with special needs shall be protected from abuse, neglect and mistreatment. This will be accomplished by assuring that the state maintains the nation's highest standards of health, safety and dignity; and by supporting the dedicated men and women who provide services.*

The Mission of the Justice Center is that:

*The Justice Center is committed to supporting and protecting the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.*

For more information on the Justice Center, please visit: <https://www.justicecenter.ny.gov/>

## **XIX. VISITORS TO THE SCHOOLS**

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the office of the Principal upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. 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.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

## **XX. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The school is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including 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 that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

#### A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of **actual** or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. 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:

1. 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.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. 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.
4. 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.
5. Staff members other than those described in subdivisions 3 and 4. 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/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 designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or 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 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 shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XXI. DISSEMINATION AND REVIEW**

### **A. Dissemination of Code of Conduct**

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

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the district's website.

4. 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.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all school staff members to ensure the effective implementation of the code of conduct. The school Administrators may solicit the recommendations of the school staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

#### **B. Review of Code of Conduct**

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

The Board 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 representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.