

# OLV Human Services

A Father Baker Legacy

**School Age Division**

## **CODE OF CONDUCT**



**Baker Hall School**

**777 Ridge Road**

**Lackawanna NY 14218**

**Michael Gunthrop, Principal**

**Baker Academy**

**650 Ridge Road**

**Lackawanna NY 14218**

**John Collins, Principal**

# OUR STATEMENT OF PURPOSE AND VALUES

## **Statement of Purpose**

OLV Human Services strives to prepare, support, and empower individuals to achieve their life goals.

## **Our Values**

OLV Human Services considers the following values to be the guiding principles necessary to successfully fulfill our organizational goals.

### **Teamwork**

Working together toward a common goal with trust and support

### **Respect**

Valuing skills, experiences, and knowledge that differ from your own

### **Integrity**

Doing the right thing by being truthful, honest, and consistent

### **Adaptability**

Willing to be creative, flexible, and innovative while accomplishing goals

### **Accountability**

Following through on commitments and expectations

# **STUDENT CODE OF CONDUCT**

**Reviewed and Approved by Board of Directors- November 2020**

**Baker Hall (dba OLV Human Services)**

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## **INTRODUCTION**

OLV Human Services (hereafter known as OLV HS) is committed to providing a safe and orderly school environment where students may receive and staff may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other personnel, parents and other visitors is essential to achieving these goals.

OLV HS's expectations for conduct on school property and at school functions are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. This Code also includes language regarding policy and practice in accordance with the *Dignity for All Students Act*. This Act ensures that no student is subject to bullying, cyber bullying, harassment, and/or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, transgender and gender nonconforming (GNC), or gender by school employees, visitors, or students when on school property, on a school bus, or at a school function. Additionally, these Code requirements apply to off-campus behavior that creates or could create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threat, or intimidation or abuse might reach school property.

OLV HS recognizes the need to:

- Clearly define acceptable conduct
- Provide proper training in the areas of civility, citizenship, and character education
- Identify the possible consequences of unacceptable conduct and
- Ensure that discipline is administered promptly and fairly

**To this end, OLV HS adopts this Code of Conduct. Unless otherwise indicated, this Code applies to all students, school personnel, parents and visitors when on school property or attending a school function.**

## **DEFINITIONS**

For purposes of this Code, the following definitions apply:

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

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

***School property*** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a OLV HS elementary or secondary school.

***School function*** means any school-sponsored event or activity, on and/or off site.

***Violent student*** means a student under the age of 21 who

- Commits an act of violence upon a school employee
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function
- Possesses or facilitates transport, storage or use of a weapon while on school property or at a school function
- Displays, while on school property or at a school function, what appears to be a weapon
- Threatens, while on school property or at a school function, to use a weapon
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function
- Knowingly and intentionally damages or destroys OLV HS-leased or -owned property

***In-school Suspension*** means a full-day assignment for a student in a designated in-school area to continue educational programming.

***Long-Term Suspension*** means a suspension out of school for more than five (5) consecutive days.

***Short-Term Suspension*** means a suspension out of school for five (5) consecutive days or less.

***Student with a Disability*** means a student with a disability who has not attained the age of 21 prior to September 1<sup>st</sup> and who is entitled to attend public schools and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the New York State Education Department.

***Employee*** means any person receiving compensation from OLV HS or employee of a contracted service provider.

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality.

**Gender** means actual or perceived sex and includes a person's gender identity or expression.

**Transgender** describes a person whose gender identity does not correspond to their assigned sex at birth.

**Gender nonconforming (GNC)** describes people whose gender expression differs from stereotypic expectations. GNC individuals may identify as male, female, some combination of both or neither.

**Vandalism** is an act of willfully or maliciously destroying or defacing school property or the property of an individual(s).

**Visitor** means anyone who is not a regular staff member or student of OLV HS.

**Race** means a group of persons related by a common descent or heredity

**Color** is the term referring to the apparent pigmentation of the skin, especially as an indication or possible indication of race

**National Origin** means a person's country of birth or ancestor's country of birth.

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

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances, such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, etc.

## ESSENTIAL PARTNERS AND ROLES

### ALL PARTNERS ARE EXPECTED TO:

- Recognize that the education of children is a joint responsibility of the parents/guardians and the school community.
- Know the school rules and help all parties to be clear on the meaning of these rules.
- Convey to students a supportive attitude towards education and OLV HS.
- Constantly work at communication to and from schools and home.
- Help students deal effectively with peer pressure, emerging personal social and emotional problems.
- Teach and model for student respect for oneself, others, the school system and respect for authority.
- Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- Set a good example for others by demonstrating dependability, integrity and other standards of ethical conduct.
- Assist in promoting a safe, orderly and stimulating school environment.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Maintain and encourage 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 with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- Report incidents of bullying, cyber bullying, harassment, and/or discrimination that are witnessed or brought to the individual's attention to a teacher, a building administrator, or Compliance Officer in a timely manner.

### **ALL PARENTS ARE EXPECTED TO:**

- Send their children to school ready to participate and learn.
- Ensure that children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Build good relationships with teachers, other parents and their children's friends.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.
- Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' confidence and promote learning.
- Report incidents of bullying, cyber bullying harassment, and/or discrimination a building administrator or the Compliance Officer in a timely manner.

### **ALL TEACHERS ARE EXPECTED TO:**

- Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan
  -
- Communicate regularly with students, parents and other teachers concerning growth and achievement. If doing so through electronic platforms (email, apps (such as Remind Me and

Google Classroom), teachers are expected to refrain from using identifiable personal information of students and must follow FERPA regulations at all times.

- Build good relationships with students and parents.
- Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety.

**STUDENT SUPPORT SERVICE PERSONNEL** provide educational-related services to students; includes social workers, psychologists, speech, physical and occupational therapists, as well as classroom aides and other health-related personnel. Their responsibility is to:

- Support educational and academic goals.
- Regularly review with students their educational progress and career plan.
- Provide information to assist students with career planning.
- Communicate regularly with students, parents and other teachers concerning growth and achievement. If doing so through electronic platforms (email, apps (such as Remind Me and Google Classroom), teachers are expected to refrain from using identifiable personal information of students and must follow FERPA regulations at all times.
- Encourage students to benefit from the curriculum and extra-curricular programs.
- Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to the appearance of impropriety. Inappropriate fraternization of staff with students is against school policy.

**OLV HS PRINCIPALS ARE EXPECTED TO:**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of student grievances.
- Evaluate on a regular basis the effective safety, behavioral and school management issues related to all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Enforce the Code of Conduct, ensuring that all cases are resolved promptly and fairly and, when necessary, appropriately documenting actions.
- Inform all students, staff and parents/guardians of the Code of Conduct at the beginning of the school year and any revisions to the Code made during the school year.

- Explore and implement positive behavior plans appropriate at each age level.
- Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against school policy.

**OLV HS Director of School Age Education is expected to:**

- Promote a safe, orderly, respectful and stimulating school environment, free from intimidation, bullying, harassment, and/or discrimination by supporting active teaching and learning.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Develop and implement an effective Code of Conduct supportable by students, parents, and staff.
- Address all areas of school-related safety concerns.
- Recommend to the agency appropriate policy, regulations and actions to achieve optimum conditions for positive learning
- Act as role models for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to even the appearance of impropriety. Inappropriate fraternization of staff with students is against school policy. Employees are expected to maintain a professional, ethical relationship with students and all other stakeholder groups.
- Ensure that the OLV HS Board of Directors annually (or at times of revision) reviews and approves the Student Code of Conduct.

**Employees are expected to maintain a professional, ethical relationship with students and all other stakeholder groups and must maintain supervision levels of students at all times. Day students can travel within the building where staff is present throughout the school day.**

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

Under IDEA (Individuals with Disabilities Education Act), school districts and contractors must publish a notice setting forth those staff members who will have access to student information. [See Regs., Sec. 300.572(d)]. FERPA requires that school districts that share information with staff members or contractors, recognized as needing student information, specify 'criteria' for determining who will receive such information and under what circumstances.

"Federal law permits the school district to disclose personally identifiable information in the student's educational records to 'school officials with legitimate educational interests.' School officials include persons employed by the district as an administrator, supervisor, teacher, or support staff member (including but not limited to... transportation personnel...); or a person, agency, or company with whom the district has contracted, or otherwise arranged to perform a special task or service... Such individuals have a legitimate educational interest if s/he needs to review an education record in order to fulfill his or her professional and/or official responsibility. A legitimate educational interest also exists where the staff member or other individual works directly with students and needs to review education records to increase his/her awareness of steps necessary for the safety and welfare of students and staff members".

## **DIGNITY FOR ALL STUDENTS ACT (DASA)**

### **POLICY AND PROCEDURES**

The New York State Dignity for All Students Act (Dignity Act) was signed into law on Sept. 13, 2010 and became effective July 1, 2012. This legislation amended State Education Law by creating a new Article 2 - Dignity for All Students. The Dignity Act states that NO student shall be subjected to harassment or discrimination by employees or students on school property or at a school function based on their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

The OLV Human Services School Age Programs will not tolerate incidents of discrimination, intimidation, taunting, harassment, or bullying on school property, a school bus and/or at a school function by students and/or school employees.

## STUDENT RIGHTS AND RESPONSIBILITIES

With every right comes a *Responsibility*

***It is the student's right:***

***It is the student's responsibility:***

To attend school in the least restrictive environment as decided by the school district in which the student's parent or legal guardian resides.

*To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and to be granted the opportunity to receive a good education.*

To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.

*To be aware of all rules and expectations for student behavior and conduct oneself in accordance with these guidelines.*

To be respected as an individual.

*To respect one another and to treat others in the manner that one would want to be treated.*

To express one's opinions verbally or in writing.

*To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.*

To dress in such a way as to express one's personality.

*To dress appropriately in accordance with the dress code, so as not to endanger health, safety, limit participation in school activities or be unduly distracting.*

To be afforded equal and appropriate educational opportunities.

*To be aware of available educational programs in order to use and develop one's capabilities to their maximum.*

To have access to school activities on an equal basis regardless of race, color, creed, religion, religious practice, sexual orientation, gender, national origin, ethnic group, political affiliation, age or disability.

*To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.*

To have access to objective information concerning drug and alcohol abuse, as well as access to individuals capable of providing direct assistance with serious personal problems.

*To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.*

To be protected from bullying, cyber bullying, intimidation, harassment, and/or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.

*To respect one another and treat others fairly. To conduct themselves in a manner that is free from intimidation, harassment, or discrimination.*

*To report, and encourage others to report, any incidents of bullying, cyber bullying, intimidation, harassment and/or discrimination.*

## STUDENT DRESS CODE

The responsibility for student dress and general appearance rests with individual students and parents. Therefore, OLV HS will not prescribe student dress while at school-sponsored events based on either fashion or taste as the sole criterion. However, OLV HS will regulate a student's dress to ensure that students attend school or school-sponsored events in appropriate attire that meets health and safety standards and does not interfere with the learning process. For example, the following will not be permitted:

- Clothing and jewelry worn to make a political or religious statement that is disruptive of the educational process, lewd or offensive.
- Clothing, footwear jewelry and accessories that presents a threat to the student's or another student's health or safety.
- Mechanical handcuffs or restraints are not permitted to be carried or worn by students on school grounds
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- Clothing or materials on school grounds, at school functions, or school-sponsored events that are obscene; advocate illegal action; promote and/or endorse the use of alcohol, tobacco, tobacco products, smoking paraphernalia, or illegal drugs or encourage other illegal or violent activities; appear libelous, or denigrate others on the basis of race, color, religion, creed, national origin, gender, sexual orientation or disability; obstruct the rights of others, or are disruptive to the school program.
- Footwear must be worn at all times. Footwear deemed a safety hazard will not be allowed.

Specific dress requirements may be required for students participating in activities in which clothing and jewelry may be a safety or health concern, e.g. science laboratories, physical education, technology classes, and athletics. Each building Principal shall be responsible for informing 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.

The Principal and other designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines. Administrators, teachers and all other school personnel should model and reinforce acceptable student dress.

Students who violate the student dress code may be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replace it with an acceptable item.

Any student who refuses to do so may be subject to discipline. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including suspension.

## **DISCIPLINE CODE FOR STUDENT BEHAVIOR**

Students are responsible for conducting themselves in an orderly manner in accordance with school policy and within the legal limits of the law. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. OLV HS staff who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

OLV HS recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to set standards and focus upon safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules may be required to accept the penalties for their conduct.

### **DISCIPLINARY ACTIONS**

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

**Conduct that is disorderly** – including, but not limited to:

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community, regardless of where the act occurs.
- Trespassing. (Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.)
- Pulling a fire alarm, discharging a fire extinguisher, pulling an AED alarm and/or calling 911 without cause.
- Defaming, vandalizing, disrespecting and/or destroying school property, as well as property off-campus that is visited as a result of a field trip or school-sponsored event.
- Misusing computer/electronic communication devices.

**Conduct that is insubordinate or disruptive** – including but not limited to:

- Failing to comply with the lawful directions and/or responding to reasonable inquiries of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Lateness for, missing or leaving school without permission.
- Lying to school personnel.

**Conduct that is violent or physically or verbally aggressive** – including but not limited to;

- Threatening and/or committing an act of violence (such as hitting, kicking, biting, punching, and scratching) upon a teacher, administrator or other school employee, another student or any other person lawfully on school property.
- Possessing a weapon or displaying what appears to be a weapon. “*Weapon*” means, but is not limited to, a gun, pistol, revolver, shotgun, rifle, disguised gun, bullets, dagger, razor, stiletto, switchblade or Swiss Army knife, pocket knife, gravity knife, multi-tool, metal knuckle knife, box cutter, electronic dart gun, Kung Fu star, stun gun, pepper spray or other noxious spray, explosive or incendiary device and/or bomb, or other dangerous instrument that can cause physical injury or death.
- Threatening to use any weapon.
- Intentionally defacing, vandalizing, damaging or destroying school property or the personal property of a teacher, administrator, other school employee or any person lawfully on school property, or at a school function, including graffiti or arson.
- Bullying, which encompasses an imbalance of power and a variety of negative acts (such as hitting, kicking, spitting, taking personal belongings, taunting, name calling, intimidation) carried out repeatedly over time by a student or group of students towards a less powerful student(s).
- Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety

**Conduct that endangers the safety, morals, health or welfare of others** – including, but are not limited to:

- Stealing or assisting in the theft of school property or the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- Acts of sexual harassment and/or engaging in sexual acts while on school property or attending school functions.

- Buying, selling, using, possessing or distributing obscene material.
- Possessing, distributing or smoking cigarettes, including vapor cigarettes (and associated liquid substances), cigar, pipe or using chewing or smokeless tobacco.
- Possessing, consuming, buying, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include **but not limited to**, inhalants (vapes), marijuana, CBD oils, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs (substances that resemble “illegal” substances, including those used to simulate drug-use behaviors), synthetic marijuana, K2/Spice and Bath Salts.
- Inappropriately using or sharing prescription and over-the-counter drugs.
- Possessing paraphernalia used in connection with cigarettes, including vapor cigarettes (and associated liquid substances) alcoholic beverages, illegal substances, prescription drugs and over-the-counter medications.
- Making false statements about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This includes, but is not limited to, posting or publishing pictures (hard copy, cell phones, Internet, YouTube, etc.).
- Behaving in a manner, either on school property or at a school-sponsored function that discriminates against a student based upon that person’s perceived or actual race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or gender.
- Engaging in cyber bullying, including the use of email, websites, chat rooms, and text messaging, when such use interferes with the operation of the school or infringes upon the general health, safety and welfare of students or employees.
- “Cyber” Violations including the inappropriate and/or unauthorized use of technology (including personal electronic devices such as MP3 devices or cell phones; computers; cameras; video and/or audio taping equipment; software) and/or the Internet to engage in behaviors including, but not limited to, bullying, intimidating, threatening, harassing, maligning and/or defaming others, accessing websites for non-approved purposes; sending, and/or forwarding sexually explicit videos, pictures or auditory recordings and other communications of a sexual nature. (see ***Electronic Device and Social Media Policy below***)
- Engaging in bullying, harassment and/or intimidation including communication (verbal, written, or graphic) and/or physical conduct based on an individual’s actual or perceived race, color, creed, religion, national origin, political affiliation, sexual orientation, age, marital status, military status, veteran status or disability that has the purpose or effect of

substantially or unreasonably interfering with an individual's work performance, academic performance, or participation in an educational or extracurricular activity.

**Academic Misconduct** – including, but not limited to:

- Plagiarism
- Cheating or copying
- Altering records
- Violation of field trip procedure and behavioral expectations.
- Violation of copyright laws
- Assisting another student in any of the above actions.

### **Weapons**

OLV Human Services School Age Programs strictly enforce a “zero tolerance” policy for any items deemed to be a threat to staff, students, etc. No toy guns or knives are allowed within the program. Such items will be confiscated and disposed of safely by staff members. OLV Human Services will introduce and reinforce the practice of non-violence when dealing with conflicts.

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

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

When a student violates the Code of Conduct and such misconduct is also a crime as defined by the New York State Penal Law, OLV HS officials shall notify the appropriate law enforcement agency. Additionally, if such misconduct is committed by a student with a disability, such action shall not constitute a change in the student's placement. The notification must identify the student(s) and explain the conduct that violated the Code of Conduct and constituted a crime.

## **ELECTRONIC DEVICE AND SOCIAL MEDIA POLICY**

### **Students are not permitted to possess cell phones/mobile communication devices during the school day.**

Upon arrival, students will hand in their cell phones and mobile communication devices. Each cell phone/ mobile communication device will be placed in an envelope labeled with the student's name and locked in a case, which is secured in the main office by security. At dismissal, cell phones and mobile communication devices will be distributed to students once their bus has arrived on school grounds.

*Students are permitted to possess mp3 players without video or voice recording capabilities.*

They must keep their headphones plugged in at all times. Music may not be played on a Bluetooth speaker. The student assumes all risks in bringing such devices onto school property or to school related functions such as field trips.

Any OLV HS student observed taking, disseminating, transferring or sharing obscene pornographic (child or adult), lewd or otherwise illegal images or photographs by electronic data transfer (texting, posting to social media, Snapchat, etc.) may constitute a CRIME under New York State and or Federal Law. Such acts will be subject to disciplinary action within the school and reported to the appropriate Law Enforcement Agency. Students are not permitted to use any form of information technology, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying and will result in disciplinary action.

## **SUSPENSIONS**

### **Minimum Suspension Periods**

Any student, including a student with a disability having been afforded statutory protections under the IDEA, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, may be subject to a minimum suspension period of 5 school days. This minimum suspension period may be reduced on a case-by-case basis consistent with any other state or federal law.

Any student, including a student with a disability having been afforded statutory protections under the IDEA, who acts in a way that would qualify him/her as a violent pupil under New York State Education Law, shall be subject to a minimum suspension period of 5 school days. This minimum suspension period may be reduced on a case-by-case basis consistent with any other state or federal law.

### **Penalties**

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

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

- The student's age.
- The nature of the offense and the circumstances that led to the offense.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Input from parents, teachers, mental health staff (e.g. school counselors, social workers and psychologists) and/or others, as appropriate.
- Other extenuating circumstances.

As a general rule, discipline will be progressive. This means that both the number of violations and severity of the behavior will be considered when determining consequence. For example, a student's first violation will usually merit a lighter penalty than subsequent violations. Students who are found to have violated the student Code of Conduct may be subject to the following penalties, either alone or in combination with one another, imposed only by authorized school personnel consistent with the student's right to due process:

- Verbal warning
- Written notification to parent
- Written warning
- Temporary removal from classroom
- Monetary restitution for costs or damages incurred as a result of the misconduct
- In-school suspension
- Suspension from social or extracurricular activities or other privileges
- Short-term (five days or less) suspension from school
- Long-term (more than five days) suspension from school
- Permanent suspension from school

### **Discipline of Students with Disabilities**

If the conduct of a student is related to a disability or suspected disability, discipline, if warranted, shall be administered consistent with the separate requirements for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior directly caused by his/her disability, without following the procedures mentioned above.

## **In School Suspension**

OLV Human Services recognizes that the school must balance the needs of the students to attend school and the need for order in the classroom to establish an environment conducive to learning. The Principal reserves the right to place students who would otherwise be suspended from school as the result of the Code of Conduct violation in "in-school suspension." The in-school suspension staff person will be supervised by a certified teacher. A student subject to an in-school suspension is not entitled to a full hearing pursuant to Education Law 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with OLV Human Services administration imposing the in-school suspension to discuss the conduct and the decision for suspension.

## **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 self and/or others. OLV Human Services retains its authority to suspend students and the primary responsibility for suspension lies with the Principal. Any staff member may recommend that a student be suspended. All staff members must immediately report a violent student to the principal for a violation of the Code of Conduct. All recommendations will then warrant fact gathering for the relevant matter.

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

When the principal proposes to suspend a student charged with misconduct of five days or less pursuant to Education Law 3214, principal or assistant principal must immediately notify the student orally. If the student denies misconduct, principal must provide an explanation of the basis for the proposed suspension. The principal or designee must also notify the student's parents in writing that the student is being 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 parents. The notice shall provide a description of the charges against the student and the incident for which the suspension is proposed and shall inform the parents of the right to request and informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. The notice for suspension will also include the Procedural Safeguards document, as well as the availability of alternative instruction. At the conference, the parents shall be permitted to ask questions of the complaining witnesses under such procedures as the principal may establish. 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 will take place as soon after the suspension as is reasonably possible.

## **Long-term (5 days or more) suspensions from school**

When the principal that a suspension for more 5 days or more is warranted, the home school district will be notified, the student and the student's parents will be notified of their right to a fair hearing. The notice for suspension will also include the Procedural Safeguards document, as well as the availability of alternative instruction. Once the 5-day suspension has been determined a hearing will be hosted by the home school district. The student will then have the opportunity and right to question witnesses against him or her and the right to present witnesses and other evidence on his/her behalf.

## **MINIMUM PERIODS OF SUSPENSION**

1. Students who bring weapons to school: In accordance with the Gun-Free Schools Law, a student that is in possession of a firearm is subject to a minimum of a 1-year suspension. Police involvement will be included as well as parent notification.
2. Students who commit violent acts: Any student, who is found to have committed a violent act, shall be subject to suspension up to five school days based on investigation of the incident and severity of the act.

### **This includes a student that:**

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- Possesses, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- e. Threatens, while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any student, school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school property.
- 3. Students who are repeatedly and substantially disruptive of the educational process or who repeatedly substantially interfere with the teacher's authority over the classroom:

**An investigation and gathering of facts will take place regarding the specific incidents and suspension will be determined on a case-by-case basis. Suspensions can be up to five days in length based on the severity of the incident.**

## **Public Conduct on School Property**

OLV HS recognizes its purpose is to provide a superior atmosphere for learning and education. Any action by an individual or group aimed at disrupting, interfering or delaying the education process or having such effect, is a violation of school policy. OLV HS also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. OLV HS will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

The restrictions on public conduct on school property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

### **Prohibited Conduct** – including but not limited to the following:

- Intentionally injuring any person or threatening to do so.
- Engaging in behaviors that are harassing or discriminatory in nature.
- Intentionally damaging or removing school property.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Disrupting the orderly conduct of classes, school programs or other school activities.
- Entering any portion of the school premises without authorization or remaining in any building or facility after it is normally closed.
- Obstructing the free movement of any person in any place to which this code applies.
- Violating the traffic laws, parking regulations or other restrictions on vehicles.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal or controlled substances, or being under the influence of any on school property or at a school function.
- Possessing or using firearms or other weapons in or on school property or at a school function, except in the case of law enforcement officers.
- Loitering on or about school property.
- Gambling on school property or at school functions.
- Stealing school property and/or the property of another individual.
- Refusing to comply with any lawful order of identifiable school officials performing their duties.
- Refusal to submit to metal detection scanning procedures.
- Willfully inciting others to commit any of the acts prohibited by this Code.
- Violating any federal or state statute or local ordinance while on school property or while at a school function.
- Smoking or use of e-cigarettes and other tobacco products on school property.

## **Penalties**

Visitors shall be subject to immediate ejection and, as the facts may warrant, precluded from being allowed on the premises of all school buildings and grounds. The length of said suspension shall be determined by the severity of the violation and the violator will receive written notice of the determination.

## **Enforcement**

The Principal shall be responsible for enforcing the conduct required by this Code. The Principal may designate other staff that are authorized to take action consistent with the Code.

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

## **Dissemination of Code of Conduct**

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

- Providing copies of a summary of the Code to all students at the beginning of each school year.
- Posting the Code of Conduct on the OLV Human Services Education Division website for access by parents and community members.
- Providing all current teachers and other staff members with access to the Code and a copy of any amendments to the Code as soon as practicable after adoption.
- Providing all new employees with access to the current Code of Conduct when they are first hired.
- Making copies of the Code available for review by students, parents and other community members.

On an annual basis, the Code of Conduct will be explained to all students and a summary distributed. A copy of the Code will be filed in each school building, where it will be available for review by any individual. OLV HS will hold an in-service at the beginning of each school year for all school staff to ensure the effective implementation of the Code of Conduct.

**Students are expected to still follow the Code of Conduct put in place by their district. If you do not have a copy of this Code of Conduct please contact your district office.**