

School Age Division CODE OF CONDUCT



<p>Baker Hall School 777 Ridge Road Lackawanna, NY 14218</p> <p>John Collins, Principal (grades K-6)</p> <p>Michael Gunthrop, Principal (grades 7-12)</p>	<p>ITP Residential & Day School 125 Martin Rd. Lackawanna, NY 14218</p> <p>Trista Kleotzer Lead Principal</p>
<p>Baker Academy @ SJP 51 St. Johns Parkside Buffalo, NY 14210</p> <p>John Collins, Principal</p>	<p>RTF School @ Nelson 150 Martin Rd. Lackawanna, NY 14218</p> <p>Trista Kleotzer Lead Principal</p>

STUDENT CODE OF CONDUCT

Revised – August 2022

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STATEMENT OF PURPOSE, VALUES AND PHILOSOPHY OF SERVICE

Statement of Purpose

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

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

Philosophy of Service

OLVHS is committed to providing Trauma Informed Care. All staff receive training in “Risking Connection”, an organizational model which emphasizes the concepts of empowerment, connection, and collaboration.

INTRODUCTION

OLV Human Services (hereafter known as OLV) 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'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 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 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:

<i>Color</i>	Means the term referring to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
<i>DASA</i>	<p>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.</p> <p>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.</p>
<i>Disruptive Student</i>	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.
<i>Employee</i>	Means any person receiving compensation from OLV or employee of a contracted service provider.
<i>Ethnic Group</i>	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
<i>Gender</i>	Means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).
<i>Ethnic Group</i>	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.
<i>Gender nonconforming (GNC)</i>	Describes people whose gender expression differs from stereotypic expectations. GNC individuals may identify as male, female, some combination of both or neither.
<i>Harassment</i>	As defined in DASA, harassment means creating a hostile environment by conduct or by verbal threats, intimidation or abuse that unreasonably and substantially interferes with a student's educational performance, opportunities or benefits, or a student's

	mental, emotional or physical well-being. Harassment includes verbal threats, intimidation or abuse that may cause a student to fear for his or her physical safety and may include, but is not limited to, conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, or sex. Education Law Section 11(7).
<i>National Origin</i>	Means a person's country of birth or ancestor's country of birth.
<i>Parent</i>	Means the biological, adoptive or foster parent, guardian or person in parental relation to a student.
<i>Personal Items</i>	Any items brought on school property. Examples, but not restricted to: backpacks, handbags, additional clothing, toys, makeup, stuffed animals.
<i>Race</i>	Means a group of persons related by a common descent or heredity
<i>Religion</i>	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.
<i>Religious Practice</i>	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.
<i>School Function</i>	Means any school-sponsored event or activity, on and/or off site. Education Law Section 11(2)
<i>School Property</i>	Means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of OLV Human Services Schools or in or on agency transportation. Education Law Section 11(1)
<i>Sex</i>	Means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)
<i>Sexual Orientation</i>	Means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]). Means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.
<i>Student with a Disability</i>	Means a student with a disability who has not attained the age of 21 prior to September 1 st 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.

<i>Transgender</i>	Describes a person whose gender identity does not correspond to their assigned sex at birth.
<i>Vandalism</i>	Is an act of willfully or maliciously destroying or defacing school property or the property of an individual(s).
<i>Violent Student</i>	Means a student under the age of 21 who: <ul style="list-style-type: none"> ● 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-leased or -owned property.
<i>Visitor</i>	Means anyone who is not a regular staff member or student of OLV.
<i>Weapon</i>	Means a firearm as defined in 18 USC 921 for the purposes of Gun Free Schools Act. It also means any item including but not limited to a [Other] gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switch-blade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, taser 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 when used [to cause physical injury or death].

PROGRAM PARTICIPANT BILL OF RIGHTS

While you and your family are receiving services from OLV, it is understood that you have the right to:

- A safe, clean, and healthy environment.
- Your basic human and legal rights, ensuring that you are not physically, mentally, or sexually abused.
- Freedom from unnecessary medication and to make an informed choice to refuse specific medication or treatments, unless ordered by law.
- Protection from being taken advantage of at all times.
- Confidentiality with regard to all information, including medical decisions, contained in your record and access to such information, as defined by law and OLV policy.
- Freedom from discrimination, abuse, or any other unnecessary attention, based on HIV/AIDS testing, diagnosis, or related illness.
- A personalized treatment plan, inclusive of a discharge plan, which promotes your individualization, independence, integration, and productivity in the community. You and your family will participate in the development of and have input on any changes made to this plan. You may request the opinion of a consultant at your own expense, or you may request an in-house review of your treatment plan.
- Services from an adequate number of trained staff, who will treat you with respect.
- Express your spirituality through the means of your choice. This right includes the right to choose not to participate.
- Have all information provided in a language you understand.
- Balanced and nutritional meals for breakfast and lunch. Your meals will not be denied to punish or discipline you.

STUDENT RIGHTS AND RESPONSIBILITIES

With every right comes a *Responsibility*.

It is the student's right:

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 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 respected as an individual.

To express one's opinions verbally or in writing.

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

To be afforded equal and appropriate educational opportunities.

It is the student's responsibility:

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

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

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 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 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.

ESSENTIAL PARTNERS AND GOALS

ALL PARENTS & GUARDIANS ARE EXPECTED TO:

- Make certain your child's attendance at school is regular and punctual and all absences are properly excused
- Ensure that your child is dressed in compliance with school rules regarding sanitation and safety and in fashion that will not disrupt classroom procedures in accordance with this Code.
- Be as certain as possible that your child is free of communicable disease and is in good health, enabling him or her to participate in the learning environment.
- Agree to respect building specific requirements regarding security and safety. Parents will sign in and present proper identification in accordance with building procedures.
- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Help their children understand that appropriate rules are required to maintain a safe, orderly environment as per OLV Human Services Code of Conduct.
- Know school rules and help them understand them.
- Convey to their children a supportive attitude toward education and the district.
- Inform school officials of changes in the home situation that may affect student conduct or performance.

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.
- Constantly work at communication to and from schools and residential placement.
- Help students deal effectively with peer pressure, emerging personal social and emotional problems.
- Teach and model for students 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 OLV administrator, or 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 and residential policies and rules and enforce them in a fair and consistent manner.
 - Communicate to students and parents:\ul> - Course objectives and requirements
 - Marking/grading procedures
 - Expectations for students
 - Classroom management plan
- Communicate regularly with students, parents and other building professionals concerning growth and achievement.
- 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.
- Employees are expected to maintain a professional, ethical relationship with students and all other stakeholder groups and must always maintain supervision levels of students. Residential students must always be in the eyesight of staff.

STUDENT SUPPORT SERVICE PERSONNEL provide educational-related services to students; includes social workers, psychologists, speech, physical and occupational therapists, as well as classroom aides, behavioral health specialists and behavior support services staff. 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.
- 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.
- Employees are expected to maintain a professional, ethical relationship with students and all other stakeholder groups and must always maintain supervision levels of students. Residential students must always be in eyesight of staff.

OLV 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.
- 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

STUDENT DRESS CODE

OLV Human Services will adhere to the Centers for Disease Control (CDC), New York State Department of Health, and local Department of Health guidance and recommendations (both current and future) regarding face coverings in all schools, buildings, school facilities and while transported, especially when other social distancing measures are difficult to maintain.

The responsibility for student dress and general appearance rests with individual students and their parent/guardian, or residential campus staff if applicable. OLV will not prescribe student dress while at school-sponsored events based on either fashion or taste as the sole criterion. However, OLV 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 that would be considered "sleepwear" including blankets and stuffed animals (Unless given permission by the principal or designee).
- Clothing, footwear, jewelry, and accessories that present 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.
- 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, marijuana, marijuana 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.
- Headwear (e.g. hats, bandanas, etc.) may not be worn in the building unless for medical, religious, and/or cultural reasons. Headwear must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff.
- Hoods may not be worn at any time.

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 of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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. 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.

STUDENT PERSONAL ITEMS

Students K-6 at Baker Academy @ SJP and Baker Hall may bring backpacks with personal items into school and will have a designated cubby or locker for storage.

Students grades 7-12 at Baker Hall must turn in all personal items and backpacks upon entering the school building. Items will be stored securely throughout the school day. Agency personnel, including the building principal and/or designee, may allow backpacks and/or other personal items to be carried based on individual student need.

Students at ITP may bring backpacks with personal items, and a storage area will be designated in each classroom.

Students at the RTF School are not permitted to bring personal items from the suites. Items that are brought over will be secured in a designated area. Day Students may bring personal items/backpacks, and a storage area will be provided.

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 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 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 on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules may be required to accept the penalties for their conduct. Student cognitive & emotional functioning levels are taken into consideration when evaluating behavior and discipline.

DISCIPLINARY ACTIONS

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

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

- 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
- 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 because of a field trip or school-sponsored event.
- Misusing computer/electronic communication devices.
- Spitting on peers or staff members

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 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 including, but not limited to the weapons stated above.
- 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 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.

The above applies for in-person and remote learning.

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 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/smart watches/mobile communication devices during the school day. All students will be obligated to turn their cell phones in upon arrival to school staff. Phones will be returned at the end of the day. Cell phone use will not be permitted throughout the school day.

Students are permitted to possess mp3 players without **video or voice recording** capabilities. These devices can only be used when given permission by the classroom teacher or school personnel. The student assumes all risks in bringing such devices onto school property or to school related functions such as field trips.

Any OLV 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.

STUDENT CONDUCT DURING TRANSPORTS

OLV believes it is crucial for students to behave appropriately while riding in agency vans, to ensure their safety, that of other passengers, and the fewest possible distractions for drivers.

Students are required to conduct themselves, during transport, in a manner consistent with the expectations established under the Code of Conduct. Excessive noise, pushing, shoving, and fighting, harassment and discrimination will not be tolerated. It is important that those waiting for the vans

conduct themselves properly in respect to the rights and property of others.

Expectations for transports include, but not limited to:

- Absolutely no eating or drinking is allowed on the van.
- No medication can be transported on the van.
- Student's personal belongings should be placed securely in his/her backpack unless specific arrangements have been made with the staff.

These rules are for the safety and well-being of all our students and staff. If a student does not conduct himself/herself properly during transport, the driver shall notify the building Principal and/or designee. **Day students are expected to follow all transportation expectations and policies of their district.**

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 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 discipline ladder and with the student's right to due process.

Student cognitive & emotional functioning levels are taken into consideration when evaluating behavior and discipline.

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.

RESTORATIVE PRACTICES

Restorative approaches are based on the idea that when we feel part of a supportive community, we respect others in that community and become accountable to it. The school will foster this sense of community through daily or weekly circles, in advisory, or in any class. Circles help participants better understand each other, engendering a sense of empathy and connection. Adults can build the effort by modeling collaborative, respectful behavior themselves. Adults can also have their own circles, creating a safe place where they too can connect and explore challenges.

<https://www.edutopia.org/article/bringing-restorative-practices-to-your-school-laura-mcclure>

DISCIPLINE LADDER

- LEVEL ONE: Classroom Interventions and Responses
- LEVEL TWO: Social Worker Interventions and Responses
- LEVEL THREE: Behavior Support Team Interventions and Responses
- LEVEL FOUR: ARC Interventions and Responses
- LEVEL FIVE: Administrative Review / External Referral

ARC- Academic and Restorative Collaboration. Students will be paired with a support staff to work on Daily Academic Activities and Restorative Assignments as a response to behaviors

ADDITIONAL DISCIPLINE MODALITIES:

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 parents 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 or 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, the 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 an 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 than 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.
- 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.
- 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.

SAFETY OF STUDENTS AND STAFF

In situations where behaviors become threatening to the student and others, staff are required to use their skills learned through the TCI or SCIP-R training. External support may be called upon at the discretion of the principal. Whenever a school employee uses physical force against a student, that person shall, within the same school day, must make a written report describing in detail the circumstances and the nature of the action taken. Parents must be notified within the same school day based on building notification procedures.

At some facilities, students and visitors will be expected to go through a metal detector or be wanded using a hand metal detector by school personnel prior to entering the building.

Use of Metal Detectors (Magnetometers)

The school administration possesses the authority to take all reasonable, necessary, and proper measures provided by law and Board policy and regulations to safeguard the students, employees and property of the agency, including, but not limited to, the use of stationary or mobile metal detectors. The primary purpose of the metal detector scan is to prevent and deter weapons and explosive devices from entering the schools. At all times, the degree and nature of the inspection are not to go beyond what is necessary to allow staff to discharge their responsibility. Weapons or explosives of any kind are prohibited on school property, in school buildings, or at school related functions. Possession of weapons or explosives is a violation of agency policy and will subject an individual to disciplinary action suspension, expulsion and criminal penalties.

Procedures

Procedures governing the use of metal detectors during the school day, on school property or at school-related activities are set forth below.

1. The Executive Leader, his or her designee, the principal of a school, in a non-delegable duty, shall approve the use of a metal detector at his or her school, school property or specific school activities.
2. Only school personnel trained in the use of metal detectors or police officers/security personnel requested by the school principal, his/her designee or the Executive Leader to conduct the screening shall be authorized to conduct metal detector screenings. Training for school personnel shall be arranged through Lead Principal or his/her designee.
3. When a metal detector is to be used in a particular school or at a school activity, signs shall be prominently posted to notify all persons that, as a condition of entrance or continuing attendance to the school or school related activity, they will be required to pass through, or submit to, a metal detector screening of their person and property.
4. When a metal detector is being used, all students who wish to enter the school or school related activity shall use only the entries designated.
5. Administrators and/or his/her designees, and security officials must be present to observe the scanning. Where there is more than one scanning site, designees shall be assigned at the direction of the principal, security officials or his/her designee to ensure proper coordination of the scan procedure and follow-up activities. This presence will further enable the principal, security

official, or designee to report accurately on the results and to provide an evaluation of the scanning procedures.

6. All individuals entering the school building are subject to search.
7. If a metal detector activates on an individual, the individual activating the device shall be asked to remove metal objects from his or her person and walk through or be scanned a second time. If, after the removal of other metal objects and a third activation by the metal detector, the individual will be taken to a room or area out of view from others and subjected to a pat-down search under the search and seizure procedures.
8. If school personnel conducting the pat-down search feel an object may have activated the metal detector, they will then ask the person upon whom the object was felt to remove such object. If the person refuses, the object may be removed by the school personnel or police officers. When an object which could have activated the metal detector is removed from a person, school personnel shall cease the search. The person shall pass through the metal detector once more and the search shall be continued only if the metal detector again indicates the presence of metal. If the student refuses to display an item, the parent or guardian will be contacted.
9. The pat-down search shall, at all times when conducted by school personnel, be in the presence of an adult witness and conducted by school personnel or police/security staff of the same sex as the person being searched.
Subsequent to any search, the principal or his/her designee shall document the scope of the search and circumstances which gave rise to the search. 22
At no time shall any school personnel, pursuant to this policy, submit any person to a strip search for potential metal objects or other contraband. If a strip search is deemed to be appropriate, school personnel shall contact law enforcement personnel who will determine whether a strip search is necessary and conduct such search if appropriate.
10. If any briefcase, knapsack, purse, parcel or other package causes the activation of a metal detector, school personnel shall inspect the same for any weapons or prohibited item concealed therein.
11. All property removed from a student as a result of this procedure and not defined as contraband shall be returned to the person. Property removed from a person which is defined as contraband, even though it may not have been capable of activating the metal detector, shall be confiscated, documented and turned over to administrative personnel, security personnel and/or law enforcement or other appropriate agency for proper handling. Any contraband seized by school personnel pursuant to this Regulation may be admissible in any subsequent criminal or administrative proceeding. The person in violation of the policies and regulations of the agency shall be disciplined in accordance with the policies and regulations of the agency.
12. Any student who refuses to cooperate with school personnel performing their duties under this policy or police officers conducting metal detector screenings at school(s), on school property or at school related activities, may be subject to discipline in accordance with the policies and regulations of the agency and required to leave school property. Any person who refuses to cooperate with school personnel performing their duties under this Policy or police officers shall be required to leave school property.
13. Nothing in this Regulation shall limit the authority of school officials to conduct an administrative inspection of school storage spaces provided to students nor to search a student, their personal property or lockers upon reasonable suspicion that a particular person is in possession of contraband in violation of state or federal law and the policies and regulations of the agency.

STUDENT SEARCHES AND INTERROGATIONS

OLV is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or of the Code of Conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student’s parent(s) before questioning the student.

In recognition of certain societal problems which may present themselves in our schools, OLV authorizes the Executive Leader, Principals, his or her designee, and security officials to conduct searches of students and their possessions for an illegal matter or a matter which otherwise constitutes a threat to the health, safety, welfare or morals of the students attending our schools. In authorizing such searches, OLV acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, book-bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

In addition, OLV authorizes the Executive Leader, Principals, his or her designee, and security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the school 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. Individual(s), other than the OLV employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, or they provide the same information that is received independently from other sources. OLV 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/she possesses physical evidence that they violated the law or the school Code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

Student Desks and other School Storage Places

The rules regarding searches of students and their belongings do not apply to student desks and/or 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 desks and/or other storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Student Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat, jacket, or shoes/socks. No school official is authorized to conduct a strip search of any student for any reason at any time. School officials are directed to contact law enforcement if they believe there is an emergency that could threaten the safety of the student or of others.

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/her title and position
7. Witnesses, if any, to the search
8. Time and location of search
9. Results of search (that is, what item(s) were found)
10. Disposition of items found
11. Time, manner, and results of parental notification

The principal or principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from the student. The principal or his/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/her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

POLICE AND AGENCY INVOLVEMENT

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 parents 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:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

Assistance of Law Enforcement Agency

The principal or his/her designee may request the assistance of a law enforcement officer to:

1. Search any area of the school premises, any student, or any motor vehicle on school premises.
2. Conduct a K-9 drug sniff of school property, after obtaining prior approval of the Vice President of Education or his/her designee.
3. Identify or dispose of anything found during a search conducted in accord with this regulation; or
4. Assist in any other situation in which law enforcement assistance is necessary.

Where law enforcement officers respond to such a request, school employees shall assist or otherwise participate at the request of the law enforcement officer. Searches by law enforcement officers are governed by the legal standard of probable cause. The decision as to whether there is sufficient probable cause to justify a search is fact specific and solely within the discretion of law enforcement officers.

PUBLIC CONDUCT ON SCHOOL PROPERTY

OLV 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 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 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.
- 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 for prohibited conduct on school property:

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 Executive Leader shall be responsible for enforcing the conduct required by this Code. The Executive Leader may designate other staff that are authorized to act consistent with the Code.

When the Executive Leader 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

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

The OLV School Age Board of Directors 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.

Day students are expected to 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.