



Holy Childhood

“Inspiring Lifelong Success”

CODE OF CONDUCT 2020-2021

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Introduction

Holy Childhood is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, school personnel, parents and other visitors is essential to achieving this goal. Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

Holy Childhood has a set of expectations for acceptable conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. Holy Childhood recognizes the need to clearly define these expectations for acceptable conduct, to identify the possible consequences of unacceptable conduct, and to ensure that discipline is administered promptly and fairly when necessary. A primary goal of student discipline is to encourage students to reflect on behavior, and to provide students with the strategies, skills, experiences, and supports they need to succeed and thrive. The disciplinary process provides for a safe environment, while attending to student growth and resiliency. Therefore, it is important that our staff is prepared to implement behavioral interventions that meet the needs of all students.

School culture that is based the values of safety, trust, and collaboration is important for a school community. By establishing a supportive, positive, and welcoming community, the conditions are created to help students reach their fullest potential, and also to enhance the quality of life and work environment for staff. A positive school culture is intended to support students, families, and staff as they work together to grow, both academically and socially.

Definitions

For purposes of this Code, the following definitions apply.

“Administrators” mean the building/program administrators, and all Agency-wide administrators.

“Agency” means Holy Childhood, Inc.

“Alcohol/drugs/controlled substances” mean any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as “designer drugs.” For purposes of this definition there are also included prescription and over-the counter drugs when used inappropriately.

“Applicable law” means any federal, state or local law, regulation, rule or order applicable to the situation so described.

“Building/program administrators” means the building principal, assistant principal and program directors.

“Bullying” is defined as the repeated, deliberate intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another that takes place on school property, at any school-sponsored function or on a school bus, or that takes place off of school grounds but that is designed to or has the effect of interfering with one’s ability to attend school and/or to be educated in a safe, non-hostile environment.”

Bullying may include, but is not limited to, actions such as:

- verbal taunts,
- name-calling and put downs, including put-downs based on religion, sexuality, disability, appearance, ethnicity, race or gender,
- being punched, pushed or attacked,
- abusive and/or threatening text messages, instant messages, or emails,
- spreading rumors,
- extortion of money or possessions, and
- exclusion from peer groups within school.

“CEO” means the Chief Executive Officer of Holy Childhood, Inc.

“Harassment” is the creation of a hostile environment by conduct or by verbal threats, intimidation, abuse or bullying, including cyber bullying, that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, or physical well-being. Per the *Dignity for All Students Act*, effective July 2012, harassment, bullying and/or discrimination is prohibited by employees and students on school property or at school functions or “off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.” **“Discrimination”** may be based on a student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, or disability, or any other categories of individuals protected by federal, state, or local law.

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

Color means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

Weight means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

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, proselytizing, etc.

Sex means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

Sexual Orientation 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.

Disability means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

“Certified professional staff” means all teachers, counselors, speech pathologists, occupational therapist, physical therapist, and other certified or licensed individuals who are employed by the Agency.

“Disruptive student” means an elementary, secondary or transition student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Agency rules” mean all Holy Childhood policies, rules, regulations and procedures, including this Code.

“Parent” means parent, guardian or person in parental relation to a student who is under 22 years of age.

“School” means the school program within the Holy Childhood, Inc.

“School function” means any school-sponsored extra-curricular event or activity.

“School personnel” mean all individuals who are employed by the Agency or who volunteer to assist the Agency in the operation of its programs and the delivery of its services.

“School property” means any building, structure, athletic playing field, playground, parking lot or land at which the Agency provides instruction or where the Agency is sponsoring a school event and a school bus as defined in Vehicle and Traffic Law §142. School property also includes all property owned by the Agency or property used by the Agency to conduct its programs, activities or school functions.

“Violent act” means an act committed by a violent student.

“Violent student” means a student who:

- Commits an act of violence on any school personnel, 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 functions, 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 another student, any school personnel or any person lawfully on school property or at a school function; or
- Knowingly and intentionally damages or destroys school property.

“Weapon” means any weapon or “firearm” which is defined in the Agency’s policy. The policy defines firearm to include any of the following:

- any instrument (including a starter gun) which will or is designed to do or may be readily converted to expel a projectile by the action of an explosive;
- the frame or receiver of such an instrument;
- any firearm muffler or silencer; or
- any destructive device.

The term does not include an antique firearm, unless the firearm is operable. The term weapon is defined in the School’s policy as any dangerous or deadly instrument which can cause death, injury or damage to a person or property including, but not limited to, a switchblade, knife, box cutter, utility knife, gravity knife, pilum ballistic knife, cane sword, chukka stick, bb gun, pellet gun, dart gun, darts, electric stun gun, kung-fu star, metal knuckles, dagger, hunting knife, razor, stiletto, imitation pistol (i.e., a device which looks like a pistol, both in terms of shape and color, but is not capable of becoming a firearm as defined above), bullets, incendiary bomb or other explosive devices, acid, mace or other deadly, dangerous or poisonous chemicals.

Whenever this Code refers to an act required of specific school personnel (e.g., a building/program administrator must notify the appropriate law enforcement agency of a specific event), the person so identified may discharge that act through an appropriate designee.

Student Rights and Responsibilities

Student Rights:

The school is committed to safeguarding the rights given to all students under applicable law. The school's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities, which stimulate and challenge the student's interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner, and does not infringe upon the rights of others. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Take part in all school activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, disability, or any other categories of individuals protected against discrimination by federal, state, or local law.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty; and
3. Access school rules and, when necessary, receives an explanation of those rules from school personnel who are responsible for enforcing those rules

Student Responsibilities:

All students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning, and to show respect to other persons and to property;
2. Be familiar with and abide by all school rules dealing with student conduct
3. Attend school every day unless they are legally excused, and be in class, on time, and prepared to learn;
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
5. React to direction given by teachers and other school personnel in a respectful, positive manner;
6. Work to develop mechanisms to control their anger;
7. Ask questions when they do not understand;
8. Seek help in solving problems that might lead to discipline;
9. Dress appropriately for school and school functions;
10. Accept responsibility for their actions;
11. Conduct themselves as representatives of the Agency when participating in or attending a school function and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
12. Respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment

that is free from intimidation, harassment, or discrimination and to report and encourage others, to report any incidents of intimidation, harassment or discrimination.

Essential Partners

Parents are expected to:

1. Recognize that the education of their children is a joint responsibility of the parents and the school community;
2. Send their children to school ready to participate and learn;
3. Ensure that their children attend school regularly and on time;
4. Ensure absences are proper, warranted and excused;
5. Insist that their children are dressed and groomed in a manner consistent with this code;
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment;
7. Know school rules and help their children understand them;
8. Convey to their children a supportive attitude toward education and the Agency;
9. Build good relationships with teachers, other parents and their children's friends;
10. Help their children deal effectively with peer pressure;
11. Inform school personnel of changes in the home situation that may affect student conduct or performance;
12. 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, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

Certified Professional Staff are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex which will strengthen students' self-concept and promote confidence to learn;
2. Know school rules and, when applicable, enforce them in a fair and consistent manner;
3. Communicate to students, parents and other relevant school personnel: IEP objectives and requirements, progress monitoring procedures and expectations for students, classroom discipline plan
4. Communicate regularly with students, parents and other teachers concerning student growth and achievement;
5. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
6. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.

7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Quality Assurance Director in a timely manner.

Other Staff are expected to:

1. Assist certified/licensed professional staff and other school personnel in providing an environment that is orderly, safe, stimulating and suitable;
2. Know school rules and, when applicable, enforce them in a fair and consistent manner.
3. 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, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
4. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Quality Assurance Director in a timely manner.

Building/Program Administrators are expected to:

1. Promote and administer a safe, orderly, stimulating and suitable school environment that is supportive of active teaching and learning;
2. Ensure that students and staff have the opportunity to communicate regularly with appropriate school personnel for redress of grievances;
3. Evaluate on a regular basis all instructional programs;
4. Know school rules and, when applicable, enforce them in a fair and consistent manner.
5. 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, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Quality Assurance Director.

Agency-Wide Administrators/Directors are expected to:

1. Promote a safe, orderly, stimulating and suitable school environment free from intimidation, discrimination, and harassment that is supportive of active teaching and learning;
2. Review with administrators the school rules and applicable law relating to the Agency operations and management;

3. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and staff needs;
4. Work with administrators in enforcing this Code and Agency rules, and ensuring that all cases are resolved in a fair and consistent manner.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process;
2. Recognize that extremely brief garments and see-through garments are not appropriate;
3. Include footwear at all times, and footwear that is a safety hazard will not be allowed;
4. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability;
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities;
6. Adhere to safety requirements in special instructional settings (i.e., shop safety requirements regarding clothing).

Building/program administrators shall be responsible for informing all 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.

Students who violate the student dress code will be encouraged to modify their appearance. Any student who refuses to do so may be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

Student Discipline

Prohibited Student Conduct

All students are expected to conduct themselves in an appropriate, respectful and civil manner with proper regard for the rights and welfare of other students, school personnel and others, and for the care of school property.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School personnel who interact with

students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Agency recognizes the need to make its expectations for student conduct, while on school property or at a school function, specific and clear. This Code is intended to do that 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 this Code or other Agency Rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school and referral to appropriate law enforcement agencies, when they engage in the following type of misconduct on school property or at a school function that is disorderly, insubordinate, disruptive, violent, or threatens the safety, morals, health, or welfare of others. Misconduct also includes academic misconduct and misconduct while on a school bus.

Engage in Conduct that is Disorderly

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

1. Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
2. Obstructing vehicular or pedestrian traffic.
3. Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
4. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the Agency's content filter; using an outside wireless network; or any other violation of the agency accepted use policies as noted as noted in our acceptable use policies in our employee handbook (6.11 voice mail, e-mail, & computer files, 6.12 use of internet, 6.13 social media).
5. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
6. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the Agency computer system is prohibited.

Engage in Conduct that is Insubordinate

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other Agency employees or otherwise demonstrating disrespect.
2. Missing or leaving school or class without permission.

Engage in Conduct that is Disruptive

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other Agency employees or otherwise demonstrating disrespect.
2. Endangering the health and safety of other students or staff or interfering with classes or school activities by means of inappropriate appearance or behavior as per school Code of Conduct.

Engage in Conduct that is Violent

1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other Agency employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
3. 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 well-being.
4. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on Agency property or at a school function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using weapon(s).
8. Intentionally damaging or destroying Agency property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other school employee or any person lawfully on Agency property, or at a school function including but not limited to graffiti or arson.
9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

Engage in Any Conduct That Endangers the Safety, Morals, Health, or Welfare of Others

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

1. Lying, deceiving or giving false information to school personnel.
2. Stealing school property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function. No person shall at any time remove property from recycle bins or dumpsters located on Holy Childhood property.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.

5. Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
11. Selling, using, possessing or distributing obscene material.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
13. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
14. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "lookalike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
15. Gambling and gaming.
16. Inappropriate touching and/or indecent exposure.
17. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
18. Violating gender privacy when using school restroom facilities.

Engage in Misconduct While on a School Bus

It is crucial for students to behave appropriately while riding on buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.

Engage in Any Form of Academic Misconduct

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Altering records.
4. Accessing other users email accounts or network storage accounts and/or attempting to read, deletes, copy, modify, and interfere with the transferring and receiving of electronic communications.
5. Assisting another student in any of the above actions.

Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during the school day, unless expressly permitted by school staff. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner. The Agency is not responsible for personal electronic devices that are lost or stolen. Teachers and all other school personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

Glossary of Terms used in the Annual Reporting of Incidents Concerning Safety & Educational Climate (SSEC)

Violent or Disruptive Incident Related Terms¹

Violent or disruptive incident: an incident that occurs on school property of the Agency, falls under one of these categories:

1. **Homicide:** any intentional violent conduct that results in the death of another person.
2. Sexual Offenses:

¹ Education Law §2802, 8 NYCRR §100.2(gg)

- a. **Forcible Sex Offenses:** Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.
 - b. **Other Sex Offenses:** Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.
3. **Assault:** engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school code of conduct and falls under one of these categories:
 - a. **Physical Injury:** means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion
 - b. **Serious Physical Injury:** means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
4. **Weapons Possession:** possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:
 - 4a. **Routine Security Checks:** possession of one or more weapons (see list below) secured through routine security checks.

Weapons: means one or more of the following dangerous instruments:

1. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;

2. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
3. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
4. a sandbag or sandclub;
5. a sling shot or slingshot;
6. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun chuck, or shuriken;
7. an explosive, including but not limited to, a firecracker or other fireworks;
8. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
9. an imitation gun that cannot be easily distinguished from a real gun;
10. loaded or blank cartridges or other ammunition; or
11. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

4b. **Weapons possessed under other circumstances:** Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.

a) Material Incident of Discrimination, Harassment, and Bullying (Excluding Cyberbullying):

A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.² In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Commissioner's regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

² For additional information and resources, please see
<http://www.p12.nysed.gov/dignityact/documents/SED-AGLtrandGuidance8-31-16.pdf>
<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions³.

- Bullying is defined as a form of unwanted, aggressive behavior among students that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time⁴.
 - Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
 - Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
 - Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental.
 - Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex.
6. **Cyberbullying** is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii))
 7. **Bomb Threat:** a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.
 8. **False Alarm:** Causing a fire alarm or other disaster alarm to be activated knowing there is no danger or, through false reporting of a fire or disaster.
 9. **Use, Possession, or Sale of Drugs:** illegally using, possessing or being under the influence of a controlled substance or marijuana on a person, on school property or at a school sponsored event. This includes in a locker, a vehicle or other personal space; selling or distributing a controlled substance or marijuana on school property or at a school sponsored event; finding a controlled substance or marijuana on school property that is not in the possession of any person. This does not apply to the lawful administration of a prescription drug on school property.
 10. **Use, Possession, or Sale of Alcohol:** illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

³ Education Law §11(7), 8 NYCRR §100.2(kk)

⁴ <http://www.p12.nysed.gov/dignityact/documents/TrainingMaterialsFn18-31-16.pdf>

Bias-Related Terms⁵

1. Biased-related conduct: conduct that is motivated by a victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
2. Race: the groups to which individuals belong, identify with, or belong in the eyes of the community.
3. Ethnic Group (Ethnicity): an affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.
4. National origin: is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.
5. Religion: religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
6. Religious Practices: religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
7. Disability: means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).
8. Gender: means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).⁶
9. Sexual Orientation: means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
10. Sex: Are the biological and physiological characteristics that define men and women.
11. Other: can include, but is not limited to, physical characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

Other Related Terms

⁵These terms are consistent with those found in the publication entitled, Dignity Act: A Resource and Promising Practices Guide for School Administrators & Faculty, Appendix A, For further descriptions and examples of these definitions please see:

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.pdf>

⁶For further explanation refer to:

http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf

1. Gang-Related: when an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.
2. Group-Related: an incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.
3. School Property: shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i))
4. School Function: means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(kk)(1)(ii))
5. School Bus: means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).
6. Target: refers to a person who has been mistreated and/or injured or the individual intended to be affected by the incident.
7. Victim: see the definition of target.
8. Disciplinary or Referral Action: for purposes of reporting, a consequence⁷ assigned based on the violation of the school's code of conduct and reported under one of the following:
 - Counseling or Treatment Programs: For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.);
 - Teacher Removal: is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a);
 - In-School Suspension: is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel;
 - Out-of-School Suspension: a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of suspension, in an alternate setting, separate from the school which his/her class/age peers attend;

⁷ Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal

- Involuntary transfer to an Alternative Placement: is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours;
- Community Service: when a school/district determines work that is assigned without pay to help a community;
- Juvenile Justice or Criminal Justice System: when a student engages in an incident that rises to the level of a criminal offense, the school reports the incident to the juvenile justice system which intervenes through police, court, and/or correctional system;
- Law Enforcement: when a student engages in an incident that occurs on school grounds, school-related events, or while taking school transportation and rises to the level of a criminal offense, the school reports the incident to any law enforcement agency or official.

9. Sexting: is described as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.⁸

10. School-related arrests: refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal.⁹

Tobacco-Free School Environment

Holy Childhood recognizes its responsibility to promote the health, welfare and safety of students, staff, and others on school property and at school-sponsored activities. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with school curriculum and federal and state law, it is the intent of Holy Childhood to maintain a tobacco-free environment within its building and grounds.

Tobacco: any cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product including electronic cigarettes; as well as spit tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form.

Tobacco Use Prohibited: No person is permitted to use tobacco in any way at any time, including non-school hours, on school property, grounds or at any school-sponsored event or activity off campus. Tobacco use in vehicles located on school property is also prohibited. Distribution, sale, or advertising of tobacco, including any smoking device is also prohibited on school property, grounds, and at any school-sponsored event. This policy remains in effect at all times.

⁸ For additional cyberbullying related terms, refer to Appendix A in <http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.pdf>

⁹ Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, 20 U.S.C sections 6301 et seq. (Public Law 114-95, title 1, section 8532, 129 STAT. 1802); Education Law §2802(7)

Tobacco Possession: No student is permitted to possess tobacco on school property, grounds, or at school- sponsored event or activity off campus.

Notice: Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy.

Enforcement: Enforcement of this policy shall be equitable and consistent in accordance with the code of conduct and employee personnel policies.

Student violations of this policy will lead to disciplinary action up to and including suspension from school. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an alternative to discipline. Parent/guardians will be notified of violations involving their child and subsequent action taken by the school.

Employee violations of this policy will lead to disciplinary action in accordance with personnel policies and may include verbal warning and/or written reprimand. Violations by others will result in appropriate sanctions as determined by the CEO or Agency-wide Administrators.

Reporting Violations

All students are expected to promptly report violations of the Code to a teacher, building/ program administrator or to other appropriate school personnel. Any student observing a student possessing a weapon or alcohol/drugs/controlled substances on school property or at a school function shall report this information immediately.

All school personnel who are authorized to impose disciplinary action (as described below) are expected to do so in a prompt, fair and lawful manner. School personnel who are not authorized to impose disciplinary action are expected to promptly report violations of this Code to his or her supervisor, a teacher or a building/program administrator.

In order to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of bullying and persons with knowledge of bullying report the harassment immediately to a school administrator, teacher, or staff member. *Individuals have the right to report an incident of bullying without fear of reprisal or retaliation at any time.*

The building/program administrator must notify the appropriate law enforcement agency of those Code violations that constitute a crime and affect the order or security of a school as soon as practical.

Disciplinary Actions, Procedures, and Referrals

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

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

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

If the conduct involves a student with a disability or suspected disability, the student shall also be treated consistent with the separate requirements of this Code set forth in Part 201 Commissioner's Regulations.

Disciplinary Action

Students who are found to have violated this Code may be subject to the following disciplinary action, either alone or in combination. The school personnel identified after each action are authorized to impose such action, consistent with the student's right to due process.

1. Verbal warning – any school personnel.
2. Written warning – bus drivers, teachers and building/program administrators.
3. Written notification to parent – bus drivers, teachers and building/program administrators.
4. Detention—teachers and building/program administrators
5. Suspension from athletic participation – coaches and building/program administrators.
6. Suspension from social or extracurricular activities – activity director and building/program administrators.
7. Suspension of other privileges – building/program administrators.
8. In-school suspension – building/program administrators.
9. Removal from classroom by a teacher – teachers.
10. Short-term (five days or less) suspension from school – principal.
11. Long-term (more than five days) suspension from school – Pupil Personnel Director, Home School Superintendent and Home School Board.
12. Permanent suspension from school – Home School Superintendent and Home School Board.

In all cases involving a violation of this Code by a student, the school, in addition to or in lieu of imposing disciplinary action, may also recommend to the student's district of residence that it impose disciplinary action against the student.

Procedures

In all cases, regardless of the penalty imposed, the school personnel authorized to impose a penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the

facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary action.

Students who will be subject to disciplinary action other than a verbal warning, written warning or written notification to their parents are entitled to additional rights before the action is imposed. These additional rights are explained below.

1. Detention: Teachers and building/program administrators may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home.
2. Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges: A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges 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 the District or Agency official imposing the suspension to discuss the conduct and the penalty involved.
3. In-school Suspension: The Agency recognizes that the school must balance the need of students to attend school and the need to establish an environment conducive to learning. As such, the Agency authorizes the building/program administrator to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension."

A student subjected 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 the school official imposing the in-school suspension to discuss the conduct and the penalty involved.

4. Teacher Disciplinary Removal of Disruptive Students: A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include the teacher giving the student an opportunity to regain his or her composure and self-control by, for example: (a) a short-term (i.e., part or all of the balance of the class period) "time out" in a classroom; (b) sending a student to the principal's office for the remainder of the class time; or (c) sending a student to other school personnel for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when,

for example, a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to one full class period subsequent to the class period during which the disruptive behavior occurred. A removed student shall be sent to the principal's office or to some other room or facility designated to accept removed students. The removal from class applies to the class of the removing teacher only. In the elementary grades, removal from class for one full period occurs when the student is removed for the next instructional activity or event in the school day.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a school behavior incident form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the incident form. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parents of their right, upon request, to meet informally with the principal to discuss the reasons for the removal.

The written notice must be provided by personal delivery, or sent by express mail, or some other method that is reasonable calculated to assure receipt of the notice within 24 hours of the student's removal to 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 principal may require the teacher who ordered the removal to attend the informal conference.

If, at the informal meeting, the student denies the charges, the principal must explain why the student was removed and give the student and the student's parents a chance to present the

student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parents and the principal.

The principal may overturn the removal of the student from class if the principal finds any one of the following:

- (a.) The charges against the student are not supported by substantial evidence;
- (b.) The student's removal is otherwise in violation of applicable law; or
- (c.) The conduct warrants suspension from school pursuant to Education Law §3214, and a suspension is imposed.

The principal may overturn a removal, at any point between receiving the incident form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by the classroom teacher until he or she is permitted to return to the classroom.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability if the removal violates the student's rights under applicable law.

5. *Suspension from School:* Suspension from school is severe, and may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The primary responsibility for the suspension of students is with the CEO and the principal.

All school personnel should promptly report any incident that is grounds for suspension to his or her supervisor, or a teacher, or a building/program administrator. Any certified professional staff member may recommend to the principal that a student should be suspended.

The principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, is required to gather the facts, relevant to the matter, and record them for subsequent presentation, if necessary.

6. *Short-term (Five Days or Less) Suspension from School:* When the principal (referred to as the "suspending authority") proposes to suspend a student for five days or less pursuant to Education Law §3214, the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the

basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student is or will be suspended from school. The written notice must be provided by personal delivery, or sent by express mail, or some other method that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to suspend, to the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Where possible, both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

Any required notice to parents and an informal conference shall be in the dominant language or mode of communication used by the parent.

7. Long-term (More than five days) Suspension from School: When the superintendent (of the home district) or principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The superintendent (of the home district) shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent, if made, must be made to the Home-district Board of Education (HD-BOE), but the HD-BOE will make its decision based solely upon the record before it. All appeals to the HD-BOE must be in writing and submitted to the

8. superintendent within 10 business days of the date of the superintendent's decision, unless the

parents can show that extraordinary circumstances precluded them from doing so. The HD-BO may adopt in whole or in part the decision of the superintendent. Final decisions of the HD-BOE may be appealed to the Commissioner of Education within 30 days of the final decision.

Permanent Suspension: Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

Minimum Periods of Suspension

1. **Students who bring a firearm to school.** Any student found guilty of bringing a firearm onto school property or to a school function will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

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

2. **Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over his classroom.** Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. For purposes of this Code, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 and this Code on four or more occasions during a semester.

Alternative Instruction: When a student of any age is removed from class by a teacher or a Student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the Agency will inform the home school district to take immediate steps to provide alternative instruction as required by this Code and applicable by law.

Discipline of Students with Disabilities

The Agency recognizes that it may be necessary to discipline students with disabilities for violations of this Code. The Agency also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose disciplinary action upon them. The Agency is

committed to ensuring that the procedures followed for disciplining students with disabilities are consistent with the procedural safeguards required by applicable law.

Authorized Suspensions or Removals of Students with Disabilities:

1. Definitions

- (a.) "Suspension" means a suspension pursuant to Education Law §3214.
- (b.) "Removal" means a removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an IAES ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- (c.) "IAES" means an interim alternative educational setting (i.e., placement) for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program ("IEP"), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES and are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- (a.) The Home District Board of Education, the Home District Superintendent or a principal may order the placement of a student with a disability in an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- (b.) The Home District Superintendent may order the placement of a student with a disability in an IAES, another setting, or suspension for up to 10 consecutive school days (resulting from consecutive short-term and long-term suspensions), inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a nondisabled student would be subject to suspension for the same behavior.
- (c.) The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

(d.) The superintendent may order the placement of a student with a disability in an IAES, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon on school property or at a school function or the student knowingly possesses or uses alcohol/drugs/controlled substances or sells or solicits the sale of same while on school property or at a school function.

3. Subject to specified conditions required by applicable law, an impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

Change of Placement Rule:

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - (a) A suspension accounts for more than 10 consecutive school days; or
 - (b.) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.
2. The school may not suspend or remove a student with disability if imposition of the suspension or removal would result in a disciplinary change in placement.
3. However, the school may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the committee on special education ("CSE") has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons or illegal drugs/controlled substances.

Special Rules Regarding the Suspension or Removal of Students with Disabilities:

1. It is expected that the following shall occur:

- (a.) The CSE shall conduct or require the school to conduct a functional behavioral assessments ("FBA") to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the school is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons or alcohol/drugs/controlled substances.

- (b.) If a student with a disability who has a behavioral intervention plan (“BIP”) and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year, is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the CSE shall review with the school the behavioral intervention plan and its implementation to determine if modifications are necessary.
- (c.) If a building/program administrator believes that modifications to a student’s current educational placement or plan are needed, the CSE will be requested to modify such placement or plan and its implementation.
- (d.) The CSE shall conduct a manifestation determination review of the relationship between the student’s disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons or alcohol/drugs/controlled substances, or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The principal shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons or alcohol/drugs/ controlled substances, or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

3. The removal of a student with a disability shall be conducted in accordance with the due process procedures applicable to non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student’s disability.

4. During any period of suspension or removal, including placement in an IAES, a student with a disability shall be provided services as required by applicable law.

Expedited Due Process Hearing

- 1) An expedited due process hearing shall be conducted in the manner specified by applicable law, if:

- (a.)The school requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during

the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings; or

(b.)The parent requests such a hearing from a determination that the student’s behavior was not a manifestation of the student’s disability, or relating to any decision regarding placement including, but not limited to, any decision to place the student in an IAES. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons or alcohol/drugs/ controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student’s disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the school agree otherwise.

(a) If school personnel propose to change the student’s placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

3. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

Referral to Law Enforcement and Judicial Authorities:

In accordance with the provisions of applicable law:

1. The school may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student’s placement; and
2. The principal shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted, in accordance with applicable law, for consideration to the appropriate authorities to whom a crime is reported.

Corporal Punishment

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

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonable be used, reasonable physical force may be used to:

- (a.) Protect oneself, another student, teacher or any person from physical injury;
- (b.) Protect school property or the property of others; or
- (c.) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The school will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with applicable law.

Student Searches and Interrogations

The Agency is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, school personnel may question a student about an alleged violation of law or this Code. Students are not entitled to any sort of “Miranda”-type warning before being questioned, nor is school personnel required to contact a student’s parent before questioning the student. However, school personnel should tell all students why they are being questioned. In addition, the CEO authorizes the building/program administrators to conduct searches of students and their belongings if there is a reasonable suspicion to believe that the search will result in evidence that the student violated the law or this Code.

Those same individuals 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 there is a legitimate reason for the very limited search.

Those same individuals may also search a student or the student’s belongings based on information received from a reliable informant. Individuals, other than school personnel, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. School personnel 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 student should be encouraged to admit possession of physical evidence of the violation of law or this Code, or encouraged 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 Lockers, Desks, and Other School Storage Places: The rules in this Code regarding searches of students and their belonging do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and the Agency retains complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time without prior notice to students and without their consent.

Documentation of Searches: The authorized school official conducting the search shall be responsible for 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 the search (that is, what item(s) were being sought);
5. Type and scope of the search;
6. Person conducting the search and his or her title and position;
7. Witnesses, if any, to the search;
8. Time and location of the search;
9. Results of the search (that is, what item(s) were found);
10. Disposition of items found;
11. Time, manner and results of parental notification.

The authorized school official shall be responsible for the custody, control and disposition of any illegal or dangerous items taken from a student until the items are turned over to the police.

Police Involvement in Searches and Interrogations of Students: The school is 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 on school property 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;
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Consent from a school official.

Before police officials are permitted to question or search any student, the building/program administrator 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 a student is under age 16, and if the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The building/program administrator 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.

Child Protective Services Investigations: Consistent with the Agency’s commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the school will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

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

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

Additional Components of the Code

Visitors to the Schools

The Agency recognizes that parents and other citizens may wish to visit the school and classrooms to observe the work of students, teachers and other school personnel. However, because schools are a place of work and learning, certain limits must be set for such visits. The principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors on school property:

1. Anyone who is not a staff member or student of the school will be considered a visitor;
2. All visitors to the school must report to the designated visitor registration center upon arrival at the school, where they will be required to sign the visitor’s register and will be issued a visitor’s identification badge, which must be worn at all times while on school property;
3. Visitors attending school functions that are open to the public, such as parent- teacher organization meetings or public gatherings, are not required to register;
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with a building/program administrator, so that class disruption is kept to a minimum, and so that the visit can be arranged, at minimum;

5. Teachers are not expected to take class time to discuss individual matters with visitors;
6. Any unauthorized person on school property will be reported to the school administration, who will ask such person to leave and, if such person refuses to leave, the police may be called if the situation warrants;
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

Public Conduct on School Property

The Agency is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of this Code, “public” shall mean all persons when on school property or attending a school function including students, teachers and school personnel.

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

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

Prohibited Conduct:

No person, either alone or with others, shall:

1. Intentionally injure any person, or threaten or attempt to do so;
2. Intentionally damage, steal or destroy school property or the personal property of a teacher, administrator, other agency personnel or any person lawfully on school property or attending a school function, including graffiti or arson, or threaten or attempt to do so; No person shall at any time remove property from recycle bins or dumpsters from Holy Childhood property.
3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school property or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, disability, or any other categories of individuals protected against discrimination by federal, state, or local law.

Sexual harassment is also prohibited. All students and staff will be allowed to work in an environment free from unsolicited and unwelcomed sexual overtures.

Sexual harassment is behavior that is not welcome, personally offensive, and immoral, has sexual overtones, and interferes with the work environment of its victims. Any person who believes he or she has been sexually harassed, or harassed in any manner, may file a complaint with an administrator and/or the Quality Assurance Director. At that time, you may file an informal complaint or formal complaint. Based on the form of complaint, a full investigation will be made and a report stating findings and a recommendation of disciplinary action will be filed with the CEO. Upon review, individuals who are guilty of sexual harassment are subject to disciplinary action.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this Code applies;
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcohol/drugs/controlled substances, or be under the influence of same on school property or at a school function;
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the Agency;
11. Loiter on or about school property or at a school function.
12. Gamble on school property or at school functions;
13. Refuse to comply with any reasonable order of identifiable Agency officials performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this Code;
15. Violate any applicable law, this Code or other Agency rule while on school property or while at a school function.

Penalties:

Persons who violate this Code shall be subject to the following penalties:

1. **Visitor:** Their authorization, if any, to remain on school property or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal by the police or other appropriate authorized authorities.
2. **Student:** They shall be subject to disciplinary action in accordance with this Code.
3. **School personnel:** They shall be subject to warning, reprimand, suspension or dismissal in accordance with Agency policies and/or applicable law.

Enforcement:

School personnel, to the extent authorized by this Code or other Agency Policy, shall be responsible for enforcing the conduct required by this Code.

When school personnel see an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the individual shall be told that the conduct is prohibited and asked to stop. School personnel may also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the school personnel

shall respond in accordance with this Code.

The Agency reserves its right to pursue a civil or criminal legal action against any person violating this Code, if the violation is so actionable.

Dissemination of Code of Conduct

To ensure that the community is aware of this Code, the following will occur:

1. Copies of a summary of this Code will be given yearly to all students who are enrolled and explained in an age-appropriate plain language version.
2. Copies of a summary of this Code will be mailed to all parents (which, throughout this Code, also mean all persons in a parental relation to the student) before the beginning of the school year.
3. Copies of this Code will be given to all parents at the time of enrollment;
4. All current teachers and other staff members will initially be given a copy of a summary of this Code and then, after completion of an in-service educational program, a copy of this Code and a copy of any amendments to this Code as soon as practicable after adoption;
5. All new employees will be given a copy of this Code when they are first hired;
6. Copies of this Code will be available to students, parents and other community members upon request;
7. This Code will be posted on the Agency's web-site;
8. In-service education programs will be conducted for all school personnel to ensure the effective implementation of this Code.

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

Compliance

If at any time a part of this Code is inconsistent with applicable law, that part of the Code shall be considered amended so that it complies with applicable law.