

# *Champlain Valley Educational Services*

## *CODE OF CONDUCT*

**Public Non-Discrimination Notice:**

Clinton-Essex-Warren-Washington BOCES a/k/a/ Champlain Valley Educational Services (CVES) hereby advises students, parents, employees and the general public that it offers educational and employment opportunities without regard to sex, race, color, national origin, creed or religion, marital status, age, gender preference or disability. Students shall not be excluded from participation in, be denied the benefits of, or otherwise be subject to unlawful discrimination under any program or activity. Inquiries regarding this nondiscrimination policy may be directed to:

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**CVES**  
**CODE OF CONDUCT**

**Table of Contents**

I.	Introduction.....	1
II.	Definitions.....	1
III.	Student Rights and Responsibilities .....	6
IV.	Essential Partners in Creating a Positive School Climate .....	7
V.	Student Civility and Dress Code .....	8
VI.	Prohibited Student Conduct .....	9
VII.	Disciplinary Consequences and Procedures.....	12
VIII.	Minimum Periods of Suspension.....	18
IX.	Referrals.....	19
X.	Disciplining Students with Disabilities.....	19
XI.	Corporal Punishment/Physical Restraint .....	23
XII.	Student Searches and Interrogations.....	24
XIII.	Visitors to the Schools .....	26
XIV.	Public Conduct on CVES Property .....	26
XV.	Dissemination and Review.....	28

# CODE OF CONDUCT

## I. INTRODUCTION

Champlain Valley Educational Services (CVES) strives to sustain and enhance the capacity of component school districts to carry out their roles as the chief instrument in the education of the children, youth and adults in their communities.

CVES is committed to providing a safe and orderly educational environment where students receive and CVES personnel deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, parents, volunteers, vendors, contractors, CVES staff, component district personnel, and other visitors is essential to achieving this goal.

CVES has a long-standing set of expectations for conduct on CVES property and at CVES functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. CVES aspires to:

- Foster an environment of mutual trust and respect;
- Raise people's knowledge, skill and opportunity;
- Inspire students, staff and communities to pursue equity and excellence and to lead by example.

The Board recognizes the need to define clearly these expectations for acceptable conduct on CVES property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. CVES Code of Conduct has been developed and will be maintained in collaboration with student, teacher, administrator, parent, CVES safety personnel and other representation.

Further, the Code of Conduct has been written to comply with Project SAVE legislation – the Safe Schools Against Violence in Education Act. This law seeks to improve school safety and ensure a safe and effective learning environment.

**Unless otherwise indicated, this Code applies to all students, CVES personnel, parents, volunteers, vendors, contractors and other visitors when on CVES property or attending a CVES function. Adult students enrolled in adult education programs should consult their individual program handbook and student handbook for specific disciplinary procedures. CVES programs or services provided in component district/"host building" locations, unless otherwise authorized, shall comply with the Code of Conduct prescribed by that building/district. Students who attend any CVES program, regardless of that program's location, should be aware that their conduct will be subject not only to CVES' Code of Conduct and the applicable component district's/"host building's" Code of Conduct, but may also be governed by additional provisions of the Code of Conduct in place in the student's home district of residence.**

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

**Assault:** to cause serious physical injury to another person, causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument.

**Behavior Management System:** a process or system of consequences for behavior that is developed and monitored by staff in a particular building or program which is used by staff and students in order to monitor and improve student behaviors.

**Behavioral Intervention Plan:** a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

**Building Administrator:** a certified administrator who is responsible for the supervision and management of a CVES site.

**Bullying:** a person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons.

**Business Day:** Monday through Friday, except for federal or State holidays.

**CVES Function:** a CVES sponsored extracurricular event or activity, or a CVES sponsored work site/internship.

**CVES Property:** any CVES owned or leased equipment, building, structure, playground, parking lot or land wherever situated.

**Cheating:** the use of fraudulent means to complete an academic assignment or test.

**Committee on Special Education (CSE):** a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law authorized to identify students in need of services by determining eligibility, developing an Individualized Education Program (IEP), placing the student in the least restrictive environment in which the student can succeed and providing appropriate services to meet the student's educational needs.

**Compulsory School Age:** a minor who becomes six years of age on or before the first of December in any school year shall be required to attend upon full-time instruction from the first day that the appropriate public school is in session in September of such school year, and a minor who becomes six years of age after the first of December in any school year shall be required to attend upon full-time instruction from the first day of session in the following September; and, shall be required to remain in attendance until the last day of session in the school year in which the minor becomes 16 years of age.

**Controlled Substance:** drugs that have a legitimate medical purpose, coupled with a potential for abuse and psychological and physical dependence.

**Cyber bullying:** Includes bullying through email, instant messaging, chat room exchanges, web site posts, or digital messages or images sent to an individual's computer, laptop, cellular phone or personal digital assistant (PDA). Cyber bullying usually involves deliberate, repeated, and hostile behavior by an individual or group which is intended to harm others.

**Defamation:** a false or defamatory statement about another person, which causes that person to suffer harm. The unprivileged publication of a statement to a third party.

**Disciplinary Change in Placement:** a suspension or removal from a student's current educational placement that is either: 1. more than 10 consecutive school days or 2. for a period of 10 consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another. The school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

**Disruptive Student:** a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**District Superintendent:** Chief School Officer for a Board of Cooperative Educational Services (BOCES) pursuant to Education Law.

**Expedited Due Process Hearing:** an impartial hearing conducted in an expedited manner under the circumstances and in accordance with the procedures specified in the Commissioner's Regulations.

**Fabrication:** falsifying or inventing any information, citation, or data.

**Firearm:** as defined by Gun-Free Schools Act (18 USC Section 921) means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, any firearm muffler or silencer, or any "destructive device" (i.e., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

**Functional Behavioral Assessment (FBA):** the process of determining why a student engages in behaviors that impede learning and how the student's behavior relates to the environment. The functional behavioral assessment includes, but is not limited to:

- the identification of the problem behavior;
- the definition of the behavior in concrete terms;
- the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors); and
- the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

**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 the educational or any process or work performance, opportunities or benefits; or mental, emotional or physical well-being; factors that reasonably cause or would reasonably be expected to cause a person to fear for his or her physical safety. Such conduct may be based on a person's actual or perceived race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability.

**Hazing:** an abusive and often humiliating form of initiation into or affiliation with a group including any willful action taken or situation created which recklessly or intentionally endangers the mental, emotional or physical health of another.

**Hearing Officer:** an individual assigned by a Board of Education (pursuant to Education Law Section 4404(1), or by the Commissioner in accordance with section 200.7(d)(1)(i) of this Part), to conduct a hearing and render a decision.

**Home school district:** the student's school district of residence.

**Illegal drugs** - a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

**Impartial Hearing Officer (IHO):** an individual assigned by a Board (or by the Commissioner) to conduct a hearing and render a decision in accordance with the Regulations of the Commissioner of Education.

**Individualized Educational Program (IEP):** a written statement developed, reviewed and revised in accordance with the Regulations of the Commissioner that includes the components specified in the Regulations to be provided to meet the unique educational needs of a student with a disability.

**Individuals with Disabilities Education Act (IDEA):** the federal law related to the education of students with disabilities.

**In-school detention:** an intermediate step between minor behavior problems and out of school suspension for serious or continuous discipline problems. The student is separated from the classroom and placed in a time out setting. The new setting is the in-school detention room.

**Interim alternative educational setting (IAES):** students with disabilities who have been suspended or removed from their current placement for more than 10 school days pursuant to Part 201 of the Commissioner's Regulations may be placed in an IAES. The IAES, to the extent provided in Part 201, shall be an educational setting, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES shall:

- (1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
- (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

**Itinerant Teacher:** a certified staff member who provides specialized services, such as hearing, vision, or other educationally related services to students and is not assigned to one program or building. These teachers usually travel to various sites in order to deliver specialized services. Itinerant teachers are expected to adhere to the building and program parameters for discipline of each location in working with students attending that school unless otherwise authorized.

**Loitering:** wandering or standing without purpose.

**Long Term Suspension:** a suspension of more than five consecutive school days.

**Manifestation Determination:** a review of the relationship between the student's disability and the behavior subject to disciplinary action that is conducted by the Committee on Special Education (CSE) or 504 Committee of the student's home school district.

**Non-violent Crisis Intervention:** techniques that enable staff to maintain control in an unlimited number of crisis situations through calm, confident actions that help staff defuse the disruptive student and reduce the chance for physical injury to all present. In non-violent crisis intervention, the emphasis is always on the staff's primary responsibility: the care, welfare, safety and security of students and staff. Physical restraint is only used when all verbal techniques have been exhausted and the individual's actions are escalating toward physical aggression. Even when physical control is used, it is used in such a way to control and protect students.

**Other Administrative, Managerial, and Technical Staff:** individuals who are responsible for central office operations or specialized instructional or administrative management services who provide support or oversight to various CVES programs or to component districts.

**Plagiarism:** the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources (from the World Wide Web), even with minor alterations.

**Reasonable suspicion:** an objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping and sometimes searching a person or their belongings thought to be involved in violation of the CVES Code of Conduct.

**Removal of a Student with a Disability:** removal for disciplinary reasons from a student's current educational placement, other than a suspension as defined in Part 201 of the Commissioner's Regulations; and the change in placement of a student with a disability to an IAES by an impartial hearing officer pursuant to Part 201 of the Commissioner's Regulations. Such term shall also include the change of placement of a student with a disability to an IAES made in conjunction with a suspension.

**School:** unless otherwise designated, the location of a CVES program or service.

**School Day:** any day, including a partial day, students are in attendance at school for instructional purposes.

**School function:** a school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place.

**School property:** any building, structure, athletic playing field, playground, parking lot or land wherever situated.

**Serious bodily injury** – bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

**Sexual Harassment:** includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings or other verbal or physical conduct or communication of a sexual nature.

**Short Term Suspension:** a suspension of five or less consecutive school days.

**Student:** a person who participates in any CVES program and who is either sponsored by a school district or attends as an adult.

**Student presumed to have a disability for discipline purposes:** a student who the school district is deemed to have knowledge was a student with a disability before the behavior that precipitated disciplinary action under the criteria in Part 201 of the Commissioner's Regulations.

**Student Support Service Personnel:** means any staff member who provides direct educationally related services or assists students in coping with peer pressure and emerging personal, social, emotional and physical problems. These services are provided by psychologists, social workers, counselors, school counselors, ESL teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, occupational or physical therapists.

**Student with a disability:** a student who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to Education Law and who, because of mental, physical or emotional reasons, has been identified as having a disability and who requires special services and programs.

**Substantial evidence:** relevant evidence that a reasonable mind could accept as adequate to support a conclusion.

**Superintendent's hearing:** A disciplinary hearing conducted pursuant to Education Law by a District Superintendent, Superintendent of schools, or a hearing officer designated by a Superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

**Suspension:** the school's response to remove a student who is repeatedly or substantially insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

**Teacher Removal:** any classroom teacher has the power and authority to remove a disruptive student in accordance to Education Law.

**Threat:** a statement of an intention to inflict pain, injury, damage, or other hostile action on someone or something. It is a communicated intent to inflict harm or loss on another person.

**Violent Student/Act:** a student who:

- commits an act of violence upon a school employee, or attempts to do so;
- commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so;
- possesses, while on school property or at a school function, what appears to be a weapon;
- displays, while on school property or at a school function, what appears to be a weapon;
- threatens, while on school property or at a school function, to use a weapon;
- knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function;
- knowingly and intentionally damages or destroys school district property.

**Weapon:** any device, instrument, material or substance (animate or inanimate) that is used for or readily capable of causing physical injury or death (e.g., dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb).

### III. STUDENT RIGHTS AND RESPONSIBILITIES

CVES is committed to safeguarding the rights given to all students under State and federal law and to promote a safe, healthy, orderly and civil school environment.

#### CVES STUDENT RIGHTS AND RESPONSIBILITIES

With every right comes a responsibility . . .

##### RIGHTS

1. To attend CVES and be granted the opportunity to receive a quality education.
2. To be made aware of the CVES rules and policies, and to be treated in a manner consistent with these policies when resolving disciplinary matters.
3. To have the opportunity to present your version of the facts and circumstances in all disciplinary matters.
4. To take part in all CVES activities on an equal basis regardless of race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability.
5. To feel safe in the school environment and not be intimidated or harassed by others.
6. To express your style and dress in a manner that is appropriate for a school setting.

##### RESPONSIBILITIES

- To attend school, internships and jobsites regularly and on time, perform assignments, and strive to do your highest quality work.
- To understand CVES Code of Conduct, obey the rules it contains and to be accountable for your actions.
- To be truthful and respectful in the resolution of conflicts with all parties involved.
- To be respectful and supportive to all who are participating in CVES academic and extracurricular activities.
- To behave in a manner that will not jeopardize the safety and well being of yourself or others, and respect and treat others in a fair and equitable manner.
- To dress in a safe manner that is not educationally distracting to others, is appropriate for the program, and is in accordance with the CVES dress code policy.

#### **IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE SCHOOL CLIMATE**

##### **All parents and guardians are expected to:**

1. Recognize that the education of their children is a joint responsibility of the parents/guardians and the school community;
2. Send their children to school ready to participate and learn;
3. Ensure their children attend school regularly and on time;
4. Ensure absences are excused pursuant to CVES Attendance Policy;
5. Insist their children be dressed and groomed in a manner consistent with the student dress code, uniform requirements and/or safety requirements for specific programs;
6. Know school rules and help their children understand them;
7. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
8. Promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process;
9. Convey to their children a supportive attitude toward education and CVES;
10. Build positive relationships with teachers, other parents and their children's friends;
11. Help their children deal effectively with peer pressure;
12. Inform school officials of changes in the home situation that may affect student conduct or performance.

##### **All teachers are expected to:**

1. Maintain a climate of mutual respect and dignity, which will strengthen student's self-concept and promote confidence to learn;
2. Be prepared to teach;
3. Demonstrate interest in teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student;
4. Be knowledgeable of, and be able to, apply effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques;
5. Communicate to students and parents that which is important to each student's emotional, social, behavioral and academic progress, including but not limited to:
  - a. course objectives and requirements
  - b. marking/grading procedures
  - c. assignment deadlines
  - d. expectations for students
  - e. classroom discipline plan
  - f. behavior management system.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Adhere to the Code of Conduct for CVES or district-based school.

##### **All student support service personnel and teacher aides are expected to:**

1. Provide educationally related service(s), as appropriate, to support students in their educational program;
2. Support educational and academic goals;
3. Assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems;
4. Know CVES policies and rules and enforce them in a fair and consistent manner in accordance with the Code of Conduct;
5. Be knowledgeable of, and be able to apply, effective classroom behavior/building management techniques and non-violent crisis intervention philosophy and techniques;
6. Communicate regularly, as appropriate, with students, parent and other staff;
7. Adhere to the Code of Conduct for CVES or district-based school.

**All building administrators are expected to:**

1. Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning;
2. Ensure that students and staff have the opportunity to communicate regularly with the building principals/supervisors and approach the building principals/supervisors for redress of grievances;
3. Evaluate all instructional programs for which they are responsible on a regular basis;
4. Support the development of and student participation in school functions;
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
6. Be knowledgeable of, and be able to apply, effective classroom/building behavior management techniques, and non-violent crisis intervention philosophy and techniques and assure their utilization in the building/program;
7. Ensure that a behavior management system is created and supported to meet the needs of students enrolled in their building.

**All administrative, managerial, and technical staff is expected to:**

1. Provide specialized instructional and administrative services to CVES and component districts;
2. Support the implementation of the Code of Conduct;
3. Assure that the staff under their supervision conforms to the Code of Conduct.

**All other CVES staff is expected to:**

1. Perform specialized non-instructional duties that support the operational functioning of the school/CVES;
2. Know school/CVES policies and rules and support the implementation of the Code of Conduct.

**The District Superintendent (or his/her designee) and the Board are expected to:**

1. Ensure the collaboration of student, teacher, administrator, and parent organizations, CVES safety personnel and other CVES personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, CVES personnel, volunteers, vendors, contractors and visitors on CVES property and at CVES functions;
2. Review and approve at least annually the CVES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation;
3. Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

**V. STUDENT CIVILITY AND DRESS CODE**

All student interaction and communication (including the use of electronic devices) among themselves, teachers, CVES administrators, other CVES personnel, volunteers, vendors, contractors and visitors on CVES property and at CVES functions will be appropriate, civil and respectful. Students are expected to behave with dignity and treat others with respect and courtesy. Students should respect their peers, teachers, and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate in demonstrating respect for self and others. Profanity, vulgar language including, but not limited to, negative comments based on race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability and obscene comments or gestures toward others will not be tolerated. Appropriate disciplinary action will be taken.

**Electronic Devices**

Students are prohibited from using or having any device which electronically communicates, sends, receives, stores, reproduces or displays voice or text communication or data during the school day, except as expressly permitted in connection with authorized use. These include, but are not limited to cellular phones, pagers, smart

phones, music and media players, laser pointer or pens, gaming devices, tablets, laptop computers and personal digital assistants. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which disrupts the educational environment/process. If a student violates this policy, then he/she is subject to discipline under this provision or any other provision in the CVES 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.

## **Dress Code**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire is not destructive to CVES property, complies with requirements for health and safety, does not interfere with or distract from the educational process, or impinge upon the rights of others. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the CVES administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts and tee shirts, they may not prescribe a specific brand which students must buy. Uniforms or other safety equipment/attire may be required for specific programs.

A student's dress, grooming and appearance, including but not limited to hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational program;
2. Recognize that extremely brief and/or see-through garments, halter-tops, or tops that
3. expose the midriff are not appropriate;
4. Ensure that undergarments are completely covered with outer clothing;
5. Pants must be worn at the hips or above;
6. Include footwear at all times; footwear that is a safety hazard will not be allowed;
7. Remove all head covering upon entering the building. Exceptions may be made for religious or medical reasons. Head covering may be permitted when worn as protective gear or as required by specific work sites as determined by Administration and/or staff;
8. Not include items that are vulgar, obscene, or libelous or denigrate others on account of race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability;
9. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities;
10. Not display or wear anything signifying gang affiliation.

Each building principal/supervisor or his or her designee 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. Additional details about dress code may be addressed in building student handbooks.

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

Teachers and all other CVES 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.

## **VI. PROHIBITED STUDENT CONDUCT**

The CVES Board expects all students to conduct themselves in an appropriate and civil manner in accordance with the CVES Code of Conduct, with proper regard for the rights and welfare of other students, personnel and

other members of the school community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

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. CVES personnel who interact with students are expected to address inappropriate student behavior and place emphasis on the student's ability to develop self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on CVES property or engaged in a CVES function. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students are expected to accept responsibility and consequences for their own behavior. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on school-provided transportation, or engage in academic misconduct including work/internship sites.

#### **A. Engage in Disorderly Conduct**

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

1. Engaging in any act which disrupts the 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 offends or incites 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 CVES personnel;
4. Loitering. Students are not permitted to loiter on school property;
5. Misusing computer/electronic communication devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the CVES Acceptable Use Policy for Technology Resources.
6. Unauthorized use of personal electronic devices/equipment (e.g., cell phones, personal music and gaming devices, and other personal electronic devices);
7. Unauthorized use of personal computer, laptop and/or other computerized information resources through CVES computer system is prohibited.

#### **B. Engage in Conduct That is Insubordinate or Disruptive**

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

1. Failing to comply with the reasonable directions of teachers, school administrators or other CVES employees or otherwise demonstrating disrespect;
2. Missing or leaving school or class without permission;
3. Endangering the health and safety of other students or staff or interfering with educational process or CVES activities by means of inappropriate appearance or behavior as per CVES Code of Conduct;
4. Interfering with the authority of the teacher or other CVES personnel;
5. Participating in public displays of affection on school property, including school sponsored events.

#### **C. Engage in Conduct That is Violent**

*Examples of violent conduct include, but are not limited to:*

1. Committing, threatening or attempting any act of violence (such as hitting, kicking, punching, or scratching) upon a CVES 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. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on CVES property or at a CVES function;
4. Displaying what appears to be a weapon;
5. Threatening to use any weapon(s);
6. Using weapon(s);
7. Intentionally damaging or destroying CVES property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other CVES employee or any person lawfully on CVES property, or at a CVES function including but not limited to graffiti or arson;
8. Communication by any means, including oral, written or electronic (such as through the Internet or e-mail) 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.

**D. 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 CVES property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function;
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, which includes the use of race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability as a basis for treating another in a negative manner;
5. Harassment, which includes a communication (verbal, written, electronic or graphic) and/or physical conduct based on an individual's actual or perceived race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability;
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, e-mail, websites, chat rooms, and text messaging, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees;
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;
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 CVES or school sponsored activity, organization, club or team;
11. Possessing, using, viewing, selling or distributing obscene material;
12. Possessing, consuming, selling, attempting to sell, purchasing, attempting to purchase, distributing or exchanging alcoholic beverages, tobacco, tobacco products, illegal substances, or being under the influence of any of these. "Illegal substances" include, but are not limited to: inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs";
13. Possessing, selling, attempting to sell, purchasing, attempting to purchase, distributing or exchanging drug paraphernalia;
14. Use of products in a manner other than intended by the manufacturer;
15. Inappropriately possessing (look at board policy to see if there is a limitation), using, sharing, selling, attempting to sell, purchasing, attempting to purchase, distributing or exchanging prescription and over-the-counter drugs;

16. Possessing, consuming, selling, attempting to sell, purchasing, attempting to purchase, distributing, or exchanging “look-alike drugs”; or, possessing or consuming (without medical authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.;
17. Gambling and gaming, including online activities;
18. Inappropriate touching and/or indecent exposure;
19. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or tampering with emergency devices;
20. Violating privacy when using school restroom facilities.

**E. Engage in Misconduct While Utilizing School-Provided Transportation** It is crucial for students to behave appropriately while riding on school-provided transportation to ensure their safety and that of other passengers and to avoid distracting the driver. Students are required to conduct themselves on school-provided transportation in a manner consistent with the CVES and district Code of Conduct and established standards for classroom behavior. Behaviors such as excessive noise, pushing, shoving and fighting will not be tolerated. Students misbehaving on school-provided transportation under the authority or supervision of CVES will be in violation of CVES Code of Conduct. Students who misbehave on school-provided transportation under the authority or supervision of the home district going to or from a CVES program will be referred to their home district for discipline.

**F. Engage in any Form of Academic Misconduct**

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

1. Plagiarism;
2. Cheating;
3. Copying;
4. Altering records;
5. Forgery;
6. Violation of the Acceptable Use Policy;
7. Fabrication;
8. Assisting another student in any of the above actions.

**VII. DISCIPLINARY CONSEQUENCES AND PROCEDURES**

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that is fair, consistent and impartial. While no single method of discipline is recommended or mandated, all discipline is to be appropriate to the situation and in accordance with law, regulations and CVES policies. School personnel who interact with students are expected to consider disciplinary action as necessary and to place emphasis on the student’s ability to develop self-discipline.

Disciplinary action will be firm, fair and consistent. So as to be the most effective in changing student behavior, there will be a reasonable relationship between the student’s behavior and the consequences of that behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences 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 others, as appropriate;
6. Other extenuating circumstances;
7. If the conduct of a student is related to a disability or suspected disability, specific procedures outlined within this Code must be followed.

As a general rule, discipline will be progressive. This means that a student’s first violation will usually lead to a less serious consequence than subsequent violations. Each student will be disciplined individually taking into account the above listed factors.

For special education students in a CVES program, the Board accepts that students with disabilities often display a range of behaviors which would be deemed disruptive within a regular education setting. These behaviors may include conduct that is disorderly, insubordinate, disruptive, or violent as defined in Section II. The CVES programs incorporate behavior management systems and classroom expectations as part of the overall instructional program that are designed to address this range of student behaviors. Infractions by students with disabilities will be addressed in accordance with this Code of Conduct and the law.

**Disciplinary Consequences**

Students learn socially appropriate behavior by experiencing consequences for their actions. In addressing student behaviors that may impede learning, CVES uses a variety of appropriate educational management techniques including, but not limited to:

1. Positive supports, strategies and interventions to improve students’ motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
2. Environmental modifications to support students’ abilities to maintain attention, stay on task, and control their behavior;
3. Division-wide behavior management systems and classroom expectations to improve students’ abilities to understand the connections between their behavior and outcomes.

Students who are found to have violated the CVES Code of Conduct may be subject to the following disciplinary actions whether alone or in combination. The school personnel identified after each consequence listed in the table below are authorized to impose that consequence consistent with the student’s right to due process.

<b>CONSEQUENCE</b>	<b>AUTHORIZED PERSONNEL</b>
1. Verbal Warning	Any member of CVES staff
2. Written Warning/Referral	Educational program staff
3. Written notification to parent	Teachers, student support services personnel, Principal, supervisor or designee
4. Suspension of other privileges	Principal, supervisor or designee
6. In-School Detention	Principal, supervisor or designee
7. Formal removal from classroom	Educational program staff, principal, supervisor or designee
8. Short-term (five days or less) suspension	Official of the student’s home district upon recommendation of CVES principal, supervisor or designee
9. Long-term (more than five days) suspension from school	Official of the student’s home district upon recommendation of CVES principal, supervisor or designee
10. CVES Program exclusion	Officials of CVES and the student’s home district
11. Permanent suspension from CVES program(s)	Official of the student’s home district upon recommendation of CVES principal, supervisor or designee

Parents/guardians are powerful partners in a student’s behavioral growth, and in their child’s development of acceptable social skills. CVES realizes that good communication and informal relations between parents and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated interventions at home and in school provide students with the consistency they need to develop appropriate behaviors.

Parents/guardians are encouraged to help the school staff by reinforcing positive school behavior and disciplinary consequences. CVES recognizes that parental involvement in the behavioral process is required for the student to develop the behaviors that will ensure success in the school setting and life. Therefore, it is our philosophy to provide the parent/guardian with regular and early notification by phone or writing when a student’s behavior is problematic in addition to the required procedural notifications covered below.

## Procedures

All students are entitled to due process. In all cases, authorized school personnel must inform the student of the alleged misconduct and must investigate. Authorized school personnel shall provide the student an opportunity to present his/her version of the facts.

### Suspension from Extracurricular Activities and/or Transportation Related Thereto

A student subjected to a suspension from such privileges is not entitled to a full hearing pursuant to Education Law Sections 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the CVES official imposing the suspension to discuss the conduct and the consequence arising from that conduct.

### In-School Detention

The Board recognizes that CVES must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building administrators or designees to place students in "in-school detention."

A student subject to an in-school detention is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the CVES official imposing the in-school detention to discuss the conduct and the penalty involved.

### Formal Removal of Disruptive Students by a Teacher

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 appropriate classroom management techniques as listed under the Disciplinary Consequences section.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is **substantially disruptive** of the educational process or **substantially interferes** with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

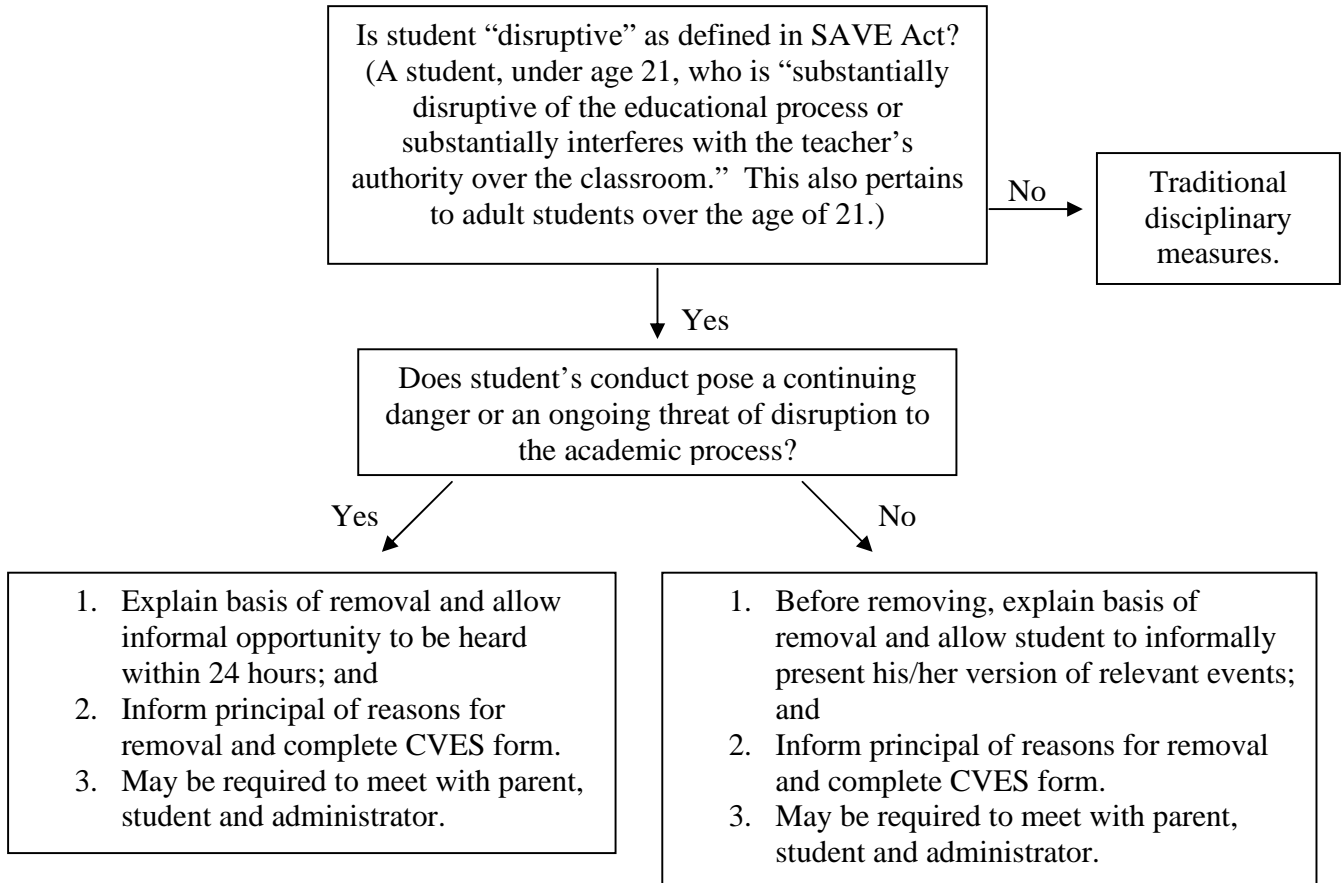
A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

### **The procedural requirements for a formal removal by a teacher of a student are:**

1. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being formally 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 formally remove a student from class;
2. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally 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, provided that if such 24-hour period does not end on a school day, it shall be extended to the corresponding time on the next school day;
3. The teacher must complete a CVES-established form for a formal removal by a teacher and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the formal removal and to present the CVES form for a formal removal by a teacher. If the principal or designee 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 or designee prior to the beginning of classes on the next school day;

4. Within 24-hours after the student's formal removal by a teacher, the principal or another administrator designated by the principal, must notify the student's parents that the student has been formally removed from the class and why. The notification must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the formal removal. If such 24-hour period does not end on a school day, it shall be extended to the corresponding time on the next school day. The 24 hours notification, if by telephone or in person, will be immediately followed by a written notice;
5. The principal may require the teacher who ordered the formal removal to attend the informal conference;
6. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was formally 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 formal removal by a teacher. If such 48-hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the pupil's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal;
7. The principal or the principal's designee may overturn the formal removal of the student from class if any one of the following are found:
  - a. The charges against the student are not supported by substantial evidence;
  - b. The student's formal removal is otherwise in violation of law or the provisions of this Code of Conduct;
  - c. The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.
8. The principal or his or her designee may overturn a formal removal by a teacher at any point between receiving the referral form issued by the teacher and the close of business on the school day next succeeding the end of the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of the formal removal expires, whichever is less;
9. Any disruptive student who is formally removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by a certified teacher in an alternate setting until the student is permitted to return to the classroom;
10. Each teacher must keep a complete log (on a CVES-provided form) for all cases of formal removal of students from his or her class. The principal must keep a building log of all formal removals by the teachers of students from class;
11. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. See Section II (Definitions) "Disciplinary Change of Placement" for details. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under State or federal law or regulation. For programs that regularly enroll one or more students with a disability, it is recommended that behavior management systems be implemented as a means of anticipating and preventing discipline problems.

## FORMAL REMOVAL OF DISRUPTIVE STUDENT BY TEACHER



### PRINCIPAL/SUPERVISOR RESPONSIBILITIES TRIGGERED BY TEACHER REMOVAL

1. Within 24 hours of removal, principal, supervisor, and/or designee must inform parent/guardian of reasons for removal (exception: students not school sponsored).
2. On request, student/parent must be given an opportunity to discuss reasons with principal, supervisor, and/or designee.
3. If student denies the charges, student/parent must be given explanation of basis for removal and an opportunity to present his/her version. This must take place within 48 hours of removal.
4. Principal, supervisor, and/or designee must decide, by the close of business on the day following the opportunity for an informal hearing, whether the discipline will be overturned. Principal, supervisor, and/or designee may only set aside discipline if:
  - a. The charges against the student are not supported by substantial evidence.
  - b. The student’s formal removal is otherwise in violation of law or the provisions of this Code of Conduct.
  - c. The conduct warrants suspension and a suspension will be imposed.

## Suspension from School

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

The home school district retains the authority to suspend students, and does so in collaboration with CVES administrator(s). All students who are under suspension in their home school may be suspended from CVES during the time of their home school suspension. Administrators of the home districts shall inform CVES of student suspension.

Any staff member may recommend to the administrator that a student be suspended. All staff members must immediately report and refer a violent student to the administrator for violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

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

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

CVES shall initiate the suspension of a disruptive student from one of its programs when other forms of behavior intervention and disciplinary action have failed unless circumstances otherwise warrant.

1. Suspension may be recommended by an administrator to the home school district for a period of time not to exceed five school days;
2. The student being suspended must be notified of the suspension and the reason for the proposed suspension;
3. The parents/guardians of the student are to be notified in writing by personal delivery, express mail delivery or equivalent means within 24 hours with additional notification by telephone, where possible;
4. The student and parent(s) or guardians(s) shall, on request, be given an opportunity for an informal conference with the administrator and witnesses. Such notice and opportunity for an informal conference shall take place prior to the suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable;
5. A copy of the suspension letter shall be placed in the student's file;
6. Upon return to school for reinstatement, the student should be accompanied, if possible, by either or both parents/guardians for a reinstatement interview. A phone conference may also be required. The administrator may recommend the suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior unless the particular suspension would result in a disciplinary change of placement. Any student with a disability who has been suspended for any 10 days within a school year must be referred to the Committee on Special Education of the home school district for a manifestation determination hearing. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions that may warrant a manifestation determination and should request specifics of these legal protections from the Committee on Special Education of their home school district.

B. Long-term (more than 5 days) suspension from school

Long-term suspension from school, permanent suspension, and removals or suspensions that constitute a disciplinary change of placement for students with disabilities (which could include an interim alternative educational setting) are required to be addressed by the home school district.

In order to facilitate review and action according to the disciplinary procedures established within the home district's Code of Conduct or, in the case of a student with disabilities, by a manifestation determination as required by State and federal law, the CVES administrator shall provide appropriate documentation to the appropriate school official of the student's home school district.

**VIII. MINIMUM PERIODS OF SUSPENSION**

As prescribed by law, the following behaviors are serious enough to justify referral of students to the home school district for long-term (more than 5 days) suspension from school, permanent suspension, or a manifestation determination:

A. *Bringing or possessing a firearm as defined by the Gun Free Schools Act to CVES*

Any student found guilty of bringing or possessing a firearm, as defined by 18 USC Section 921 for purposes of the Gun-Free Schools Act, onto CVES property will be subject to suspension from CVES by their home school district for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing in the home school district pursuant to Education Law Section 3214. The Superintendent of the home school district has the authority to modify the one-year suspension on a case-by-case basis at the recommendation of CVES administration. In deciding whether to modify the suspension period, the Superintendent of the home school district may consider the student's age, grade in school, prior disciplinary record, potential effectiveness of other forms of discipline, input from parents, teachers and/or others, other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of State and federal law.

B. *Committing violent acts*

Any student who is found to have committed a violent act, other than bringing a firearm onto CVES property as defined by the Gun Free Schools Act, shall be subject to suspension from school for at least five days. If a minimum five-day suspension is proposed, the student and the student's parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district. The home school district has the authority to modify the minimum five-day suspension on a case-by-case basis at the recommendation of CVES administration, using the same factors as were described above for modifying a one-year suspension for possessing a firearm. A student with a disability may be suspended only in accordance with the requirements of State and federal law.

C. *Repeatedly and substantially disrupting the educational process or repeatedly and substantially interfering with the teacher's authority over the classroom.*

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teachers' authority over the classroom shall be subjected to a suspension from school for at least five days. For purposes of this Code of Conduct, "being repeatedly and substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by the teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester. If a minimum five-day suspension is proposed, the student and the student's parents (guardians) will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents (guardians) will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension as per the Code of Conduct of the student's home school district. CVES has the authority to recommend a modification of the minimum five-day suspension on a

case-by-case basis using the same factors as were described above for modifying a one-year suspension for possessing a firearm.

## **IX. REFERRALS**

### **A. Supportive Services**

CVES may make recommendations for supportive services.

### **B. PINS Petitions**

A PINS (person in need of supervision) petition may be filed in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

1. Being habitually truant and not attending school as required by Article 65 of the Education Law;
2. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school;
3. Knowingly and unlawfully possessing marijuana in violation of the Penal Law. A single violation will be a sufficient basis for filing a PINS petition.

### **C. Juvenile Delinquents and Juvenile Offenders – The Superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:**

1. Any student under the age of 16 who is found to have brought a weapon to school; or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is required to refer student's age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## **X. DISCIPLINING STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities are afforded certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and State law and regulations.

### **Authorized Suspensions or Removals of Students with Disabilities**

#### **A. For purposes of this section of the Code of Conduct, the following definitions apply.**

A "suspension" means a suspension pursuant to Education Law Section 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement, other than a suspension, and the change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others or by the home school district for behavior involving weapons, illegal drugs or controlled substances.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement 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 placement that are designed to prevent the behavior from recurring.

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

1. The superintendent of the home school district may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior;
2. The superintendent of the home school district may order the placement of a student with a disability into an IAES, another setting or suspension for more than 5 and up to 10 consecutive school days, 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 following a Section 3214 hearing that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior;
3. The superintendent of the home school district 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;
4. The superintendent of the home school district, following a Section 3214 hearing, may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), 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 to or at school, on school premises or to or at a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or has inflicted serious bodily injury.
  - a) "Weapon" - any device, instrument, material or substance (animate or inanimate) that is used for or readily capable of causing physical injury or death (e.g., dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane, crutches, sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb);
  - b) "Controlled substance" - drugs that have a legitimate medical purpose, coupled with a potential for abuse and psychological and physical dependence;
  - c) "Illegal drugs" - a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
  - d) "Serious bodily injury" – bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

C. Subject to specified conditions required by both federal and State law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting 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**

- A. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
1. for more than 10 consecutive school days; or

2. for more than 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.

B. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal, except where the 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, illegal drugs or controlled substances, or inflicting serious bodily injury.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

A. The home school district's Committee on Special Education shall:

1. conduct a functional behavioral assessment to determine why a student engages in a particular behavior, and develop or review a behavioral intervention plan whenever the district 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, illegal drugs or controlled substances, or inflicting serious bodily injury.

If subsequently a student with a disability who has a behavioral intervention plan 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 members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

2. 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, illegal drugs or controlled substances, inflicting serious bodily injury, or because maintaining the student in the 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.

B. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and State statutory and regulatory criteria, the school district is deemed to have had knowledge that the child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

1. The Superintendent, Building Principal/designee or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
2. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
  - a. conducted an individual evaluation and determined that the student is not a student with a disability, or
  - b. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and State law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

- C. The district 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, illegal drugs or controlled substances, or inflicting serious bodily injury, or because maintaining the student in his/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 shall accompany the notice of disciplinary removal.

- D. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
- E. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations hereby incorporated into this Code.
- F. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
- G. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations hereby incorporated into this Code.

### **Expedited Due Process Hearings**

- A. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations hereby incorporated into this Code, if:
  - 1. the district 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;
  - 2. 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 with respect to discipline, including but not limited to any decision to place the student in an IAES.
- B. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or inflicting serious

bodily injury, 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 district agree otherwise.

- C. 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.
- D. 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 IDEA and its implementing regulations:

1. the District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement;
2. the Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent permitted by the Family Educational Rights and Privacy Act.

## **XI. CORPORAL PUNISHMENT/EMERGENCY INTERVENTIONS**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of CVES.

The District Superintendent shall submit a written semi-annual report to the Commissioner of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Whenever a school employee utilizes a physical intervention when dealing with a student, the school employee shall make an immediate verbal report of the situation to the Building Principal or Supervisor/designee with the written report to follow within 48 hours. The Building Principal or Supervisor/designee shall, within the same school day, report to the Division Director/designee describing in detail the circumstances and the nature of the action taken.

### **Emergency Interventions**

CVES holds the belief that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students occupied with work that is meaningful, interesting and challenging is the best means of preventing disruptive behavior by students. The Board recognizes, however, that under certain circumstances, a classroom teacher, teacher aide, student support service personnel, supervisor or administrator may find it necessary to resort to reasonable and prudent physical restraint in maintaining order in or on school premises.

Emergency interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as

a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

1. to protect oneself from physical injury;
2. to protect another student or teacher or any other person from physical injury;
3. to protect the property of the school or of others; or
4. to restrain or remove a student whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that student has refused to comply with a request to refrain from further disruptive acts; provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

The district will maintain documentation on the use of emergency interventions for each student including:

1. name and date of birth of student;
2. setting, location, date and time of the incident;
3. name of staff or other persons involved;
4. description of the incident and emergency intervention used, including duration;
5. a statement as to whether the student has a current behavioral intervention plan; and
6. details of any injuries sustained by the student or others, including staff, as a result of the incident.

The parent/guardian of the student shall be notified and documentation of emergency interventions shall be reviewed by CVES supervisory personnel and, as necessary, by the school nurse or other medical personnel.

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

CVES is committed to providing an atmosphere for a positive, safe and orderly school environment.

Students are protected from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a school employee only when the employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of CVES rules or is illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

1. nature and reliability of the information received regarding the proscribed activity. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the CVES employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. CVES employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate;
2. the existence of observable phenomena, such as direct observation of use or the physical symptoms of using or being under the influence of illegal controlled substances or alcohol such as slurred speech, disorientation, a pattern of abnormal conduct or erratic behavior, or information provided either by reliable and credible sources or which is independently corroborated.

### **Lockers**

Lockers are provided for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as against CVES authorities. Officials who wish to search a closed item (e.g. backpack, purse, etc.) within the locker must have reasonable suspicion to search that item.

## **Questioning of Students by School Officials**

School officials or designees have the right to question students regarding any violations of school rules or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted.

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent, that any statement made by the individual may be used as evidence against him/her, and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate or necessary, the District Superintendent/designee may also review the circumstances with CVES legal counsel so as to address concerns and the course of action, if any, which may pertain to or result from the questioning of students by school officials.

## **Law Enforcement Officials**

It shall be the policy of the Board that a cooperative effort shall be maintained between CVES administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. CVES' administrators shall at all times act in a manner that protects the rights of students and parents.

## **Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a crime committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant, they should directly contact the student's parent/guardians.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.

### **Child Protective Services' Investigations**

From time to time, Child Protective Services (CPS) may desire to conduct interviews with students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. CPS will be permitted to interview students during the school day if CPS affirms that it must do so in order to protect the student.

## **XIII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other members of the public to visit CVES schools and classrooms to observe the work of students, teachers and other staff. Since schools are places of work and learning, however, certain limits must be set for such visits. The Building Principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. anyone who is not a regular staff member or student of the school will be considered a visitor;
2. all visitors to the school must report to the security desk or main office upon arrival at the school; visitors will be required to sign the visitor's register and will follow the prescribed building procedures;
3. visitors attending CVES functions that are open to the public after school hours are not required to register;
4. parents who wish to observe a classroom while school is in session are required to arrange such visits in advance and with permission of the building administrator in collaboration with the classroom teacher(s);
5. visitors are encouraged to make appointments with teachers or student support personnel to discuss individual matters rather than taking class or related service time;
6. any unauthorized person on CVES property will be reported to the Principal or designee. Unauthorized persons will be asked to leave. The police may be called if the unauthorized person does not respond to requests or directions from school personnel;
7. all visitors are required to abide by the CVES Code of Conduct.

## **XIV. PUBLIC CONDUCT ON CVES PROPERTY**

To create and maintain a safe, orderly and respectful climate, it is necessary to regulate public conduct on CVES property and at CVES functions. For purposes of this section of the Code, "public" shall mean all persons when on CVES property or attending a CVES function including students, teachers, parents, volunteers, vendors, contractors, CVES staff, component district personnel, and other visitors.

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

All persons on CVES property or attending a CVES function shall conduct themselves in a safe, orderly, and respectful manner. In addition, all persons on CVES property or attending a CVES function are expected to be dressed in accordance with this Code.

### **Prohibited Conduct**

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;
2. intentionally damage, destroy or remove without authorization CVES property or the personal property of a student, teacher, administrator, other CVES employee or any person lawfully on CVES property;
3. disrupt the orderly conduct of classes, CVES programs, other CVES activities, or other CVES work sites/internships;

4. distribute or wear materials on CVES grounds or at CVES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program or CVES workplace;
5. intimidate, harass or discriminate against any person on the basis of race, gender, ethnicity, religion, age, political affiliation, sexual orientation, national origin, or disability;
6. enter any portion of CVES property without authorization or remain in any building or facility after regular hours;
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, attempt to sell, purchase, attempt to purchase, distribute or exchange alcoholic beverages, tobacco, tobacco products, illegal substances, prescription and over-the-counter drugs, "look-alike drugs," and other substances (e.g., dietary supplements, weight loss pills) or be under the influence on CVES property or at a CVES function;
10. possessing, selling, attempting to sell, purchasing, attempting to purchase, distributing or exchanging drug paraphernalia;
11. possess, use or produce weapons in or on CVES property or at a CVES function, except in the case of law enforcement officers or as specifically authorized by CVES;
12. loiter on CVES property;
13. refuse to comply with any reasonable order from identifiable CVES officials performing their duties;
14. willfully incite others to commit any of the acts prohibited by this Code;
15. violate any federal or State statute, local ordinance or Board policy while on CVES property or while at a CVES function.

## **Penalties**

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

1. Visitors: Authorization, if any, to remain on school/CVES grounds or at the school/CVES function may be withdrawn and be directed to leave the premises. If they refuse to leave, they are subject to removal. They shall be subject to disciplinary action as the facts may warrant, in accordance with this Code of Conduct, applicable law and due process requirements;
2. Students: Shall be subject to disciplinary action as the facts may warrant, in accordance with this Code of Conduct, applicable law and due process requirements;
3. Teachers and other CVES staff: Shall be subject to disciplinary action as the facts may warrant, in accordance with this Code of Conduct, applicable law and collective bargaining units and due process requirements.

## **Enforcement**

The Building Principal or supervisor/designee of an instructional site in any CVES facility shall be responsible for enforcing the conduct required by this Code.

When a CVES employee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the CVES employee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The CVES employee shall also warn the individual of the consequences for failing to stop. If the person still refuses to stop engaging in the prohibited conduct, the Building Principal or supervisor/designee may have the individual removed immediately from CVES property or the CVES function. If necessary, local law enforcement authorities may be contacted to assist in removing the person.

If the person's conduct poses an immediate threat of injury to persons or property, the Building Principal or supervisor/designee may have the individual removed immediately from CVES property or the CVES function. If necessary, local law enforcement authorities may be contacted to assist in removing the person.

CVES may initiate disciplinary action against any student or staff member, as appropriate. In addition, CVES reserves its right to pursue civil or criminal legal action, if applicable, against any person violating the CVES Code of Conduct.

## **XV. DISSEMINATION AND REVIEW**

### **Dissemination of Code of Conduct**

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

1. providing a public hearing prior to the Board approval of the Code of Conduct;
2. providing copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of each school year;
3. providing a summary of the Code of Conduct written in plain language to all parents of CVES students at the beginning of the school year and making this summary available upon request;
4. providing all CVES employees with a copy of the Code of Conduct and a copy of any amendments to the Code of Conduct as soon as practicable after adoption;
5. providing all new employees with a copy of the Code of Conduct when they are hired;
6. making the Code of Conduct available for review by students, parents and other community members;
7. providing the Code of Conduct to all component school districts.

The Board will sponsor an in-service education program for all CVES employees to ensure the effective implementation of the Code of Conduct. The District Superintendent may solicit the recommendation of CVES employees, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

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

Before approving any revisions to the Code of Conduct, the Board will hold at least one public hearing at which CVES employees, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.