Code of Conduct

Variety Child Learning Center (VCLC) is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruptions or interference. Responsible behavior by students and visitors is essential to achieving this goal.

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

VCLC recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, VCLC adopts this code of conduct, known as the ‘code’.

Unless otherwise indicated, this code applies to all students, and visitors when on school property or attending a school function.

Definitions

For the purposes of this code, the following definitions apply.

**Disruptive student** means any student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom. For a preschool student, a disruptive student means that a student up to the age of 5 who is substantially disruptive of the educational process or substantially interferes with the teacher’s ability to teach the other students in the classroom. This includes students enrolled in special education classes as well as child care.

**Repeatedly and Substantially Disruptive of the Educational Process or Substantially Interferes with the Teacher’s Authority Over the Class** means engaging in conduct which results in the student’s "removal" from the classroom by a teacher or teachers on four or more occasions during a month.

**Parent** means parent, guardian or person in parental relation to a student.

**School Property** means in or within any building, structure, playground, parking lot or land contained within the real property boundary line of the school, or in or on VCLC’s school van.

**School Function** means any school-sponsored extra-curricular event or activity.
**Violent student** means 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, 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 VCLC property.

**Weapon** means a firearm as defined in 18 USC §921 of the Gun Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this Code of Conduct dealing with employment, the term is limited to disabilities which, upon the provision of reasonable accommodation, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupations sought or held.

**Employee** means any person receiving compensation from VCLC or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such VCLC, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

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

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

**Discrimination** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**Harassment and Bullying** means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse including cyber bullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s/staff’s performance, opportunities or benefits, or mental, emotional or physical wellbeing; or (b) reasonably causes or would reasonably be expected to cause a student/employee to fear for his/her physical safety; or (c) reasonably causes or would reasonably be
expected to cause physical injury or emotional harm to a student/employee; or (d) occurs off school property and creates or would create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation and gender (including gender identity and expression).

Note: In some instances, harassment, bullying and/or discrimination may constitute a violation of an individual’s civil rights. As a result, VCLC is mindful of its responsibilities under the law and in accordance with school policy.

**Cyber Bullying** means harassment or bullying as defined immediately above, where such harassment or bullying occurs through any form of electronic communication.

**Students Rights and Responsibilities**

VCLC assures students that they shall have all the rights afforded them by federal and state constitutions, statues and VCLC policy. VCLC recognizes all federal, state and local laws in connection with these rights, and reminds students that certain responsibilities accompany these rights.

VCLC’s aim is to provide an environment in which a student’s rights and freedoms are respected, and to provide opportunities which stimulate and challenge the student’s interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner and does not infringe upon the rights of others.

VCLC seeks to cultivate a sense of mutual respect among students, parents, staff and administration. With the cooperation of all members of the school community, students can reach educational excellence while enjoying a rich learning experience.

**Student Rights**

Each VCLC student has the right to:

- Have a safe, healthy, orderly and courteous and supportive environment.
- Take part in all VCLC activities on an equal basis regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law.
- Have school policies, regulations, rules and conditions available for review and, whenever necessary, explanation by school personnel.
- Be suspended for instruction only after his or her rights pursuant to Education Law Section 3214 have been observed.
- Have the opportunity (in all disciplinary matters) to present his or her version of all the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanctions.
Student Responsibilities

Each VCLC student has the responsibility to:

- Be familiar with and abide by all VCLC policies, rules and regulations pertaining to student conduct.
- Work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible.
- Conduct himself or herself, when participating in or attending school-sponsored extracurricular events, as a representative of VCLC and as such, hold himself or herself to the highest standards of conduct, demeanor and sportsmanship and accept responsibility for his/her actions.
- Seek help in solving problems that might lead to discipline procedures.
- Be in regular attendance at school and in class.
- Contribute to the maintenance of an environment that is supportive, conducive to learning and to show due respect to other persons and property.
- Dress in accordance with standards consistent with the health, safety and welfare of students and the orderly and efficient operation of the school.
- Make constructive contributions to the school and to report fairly the circumstances of school-related issues.

Essential Partners

Parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and VCLC.
- Build good relationships with teachers, other parents and their children’s friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure that homework assignments are completed.

Teachers

All VCLC teachers are expected to maintain a climate of mutual respect and dignity which will strengthen students’ self-concept and promote confidence to learn, for all students regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and to:

- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students: classroom rules and ramifications of violating classroom rules.
- Report violent students the building principal, or CEO or CFO if principal is not available.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher’s attention in a timely manner.

**Principals/Administrators** are responsible to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Ensure that students have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Principal/Administrator’s attention in a timely manner.

**CEO/CFO** are responsible to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Review with VCLC administrators the policies of VCLC and state and federal laws relating to school operations and management.
- Inform VCLC about educational trends relating to student discipline.
- Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- Work with VCLC administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Principal/Administrator’s attention in a timely manner.
Board of Trustees is responsible to:

- Review annually VCLC’s code of conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful and courteous manner.
- Confront issues of discrimination and harassment or any situation that threatens the emotional and physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a Board member’s attention in a timely manner.

Other School Personnel including Speech Pathologists, Occupational Therapists, Physical Therapists, Psychologists, Social Workers, School Nurse, Support Staff and Maintenance Staff are responsible to:

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- Confront issues of discrimination and harassment or any situation that threatens the emotional and physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

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

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Include footwear at all times. Footwear that is a safety hazard will not be tolerated.
- Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

The building principal or his/her designee shall be responsible for informing students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

Prohibited Student Conduct

VCLC expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students. VCLC personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. VCLC personnel who interact with students are expected to use disciplinary action only when necessary and to place the emphasis on the student's ability to grow in self-discipline.

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

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- Engage in conduct that is disorderly.
- Engage in conduct that is insubordinate.
- Engage in conduct that is disruptive.
- Engage in conduct that is violent.
- Engage in conduct that endanger the safety, morals, health or welfare of others.

In addition at VCLC, each classroom teacher sets up class rules and reviews them with the children. They are posted in the classroom or on the Smart Board in a manner that is compatible with the students' current levels of functioning.

The curriculum includes activities that focus on respect, appropriate social interactions, providing models for appropriate behavior and responsibility. Discipline is focused on corrective action teaching the students an appropriate behavior to substitute for a maladaptive behavior.

Students are expected to act appropriately in the school setting and follow classroom rules. If a student engages in activities that are harmful to him/herself or others or school property, the classroom team will:

- Take action to assure the safety of the child and/or other students and staff. See Discipline and Behavioral Intervention Policy.
• If the behavior becomes a pattern, the classroom team or school psychologist will take data about the antecedent and consequence of the behavior as well as the frequency. The data will be discussed and an intervention plan will be developed.
• The classroom team may contact the family to see if the behavior(s) are occurring at home.
• The focus will be on teaching students socially appropriate behaviors and/or responses rather than on punishment.
• Emergency interventions using CPI techniques may be used if the behavior escalates and the student and/or others are at risk of being hurt or in danger.

In addition, if a criminal offense has been committed, police involvement may become necessary. VCLC shall, when reporting a crime committed by a student who has been classified as a student with a disability, transmit a copy of the student’s special education and disciplinary records for consideration by the appropriate law enforcement authorities to whom it has reported the crime. Such transmittal must be consistent with the Family Education Rights and Privacy Act (FERPA).

VCLC administration shall refer any student who has been determined to have brought a firearm to school to the appropriate law enforcement and/or Family Court authorities.

Students who willfully destroy, damage or deface school property shall be subject to prosecution to the fullest extent possible under the law. Students who damage school property, and/or their parents or guardian, shall reimburse VCLC for the value of the damaged property up to the limit allowed by law.

VCLC shall use Family Court (for example, Family Case Management) to ensure compliance with compulsory education laws in cases of chronic truancy.

Procedures

• **Academic Misconduct:** In addition to the penalties listed above, a student who is found guilty of academic misconduct may receive no credit for the project, test or course to which the misconduct related.
• **Detention**
• **Alternative Study Center:** VCLC recognizes that the school must balance the need of students to attend school and the need for order in the classroom so that a conducive educational environment may be established. Therefore, VCLC authorizes the principal to provide Alternative Study Center assignments to students who would be subject to suspension from attendance. This may only be imposed in accordance with applicable federal and state law.
• **Out-of-School Suspension**

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3 In accordance with Part 200.20(b)(1), “No preschool student with a disability shall be removed or transferred from an approved in-state preschool program without the approval of the school district contracting for the education of such student pursuant to section 4410 of the Education Law. In cases where the preschool student is a danger to his/herself and/or to others, VCLC may need to use Emergency Intervention Procedures as documented in the Emergency Intervention Policy. The student may be removed from his immediate environment. VCLC will notify both the child’s parents and the school district as per policy and begin an FBA and the development of a BIP, if needed.

If the student is a school-age child, all procedures as set forth in this Code of Conduct will be followed.
o VCLC will have the power to suspend a student who, in their judgment, is insubordinate or disorderly, or whose conduct endangers the safety, morals of himself/herself or of others for periods not to exceed five school days.

o VCLC may also suspend such student for more than five days. If after investigation and student conference, the Principal determines that suspension is the most appropriate penalty, then the suspension will be imposed utilizing the procedures specified within applicable federal and state law and regulation.

o A student of compulsory attendance age will be offered alternative instruction appropriate to his/her individual needs in the event that he/she is suspended from regular instruction.

o Suspensions for up to five days may be ordered by the Principal or VCLC administration. Where a student is suspended from attendance for a period of five days or less, the appropriate VCLC administrator shall immediately notify the student orally and shall immediately notify the parents or persons in parent relation in writing that the student has been suspended from school. Written notices shall be provided by personal delivery, express mail delivery or equivalent means reasonably calculated to assure the receipt of such notice within 24 hours of suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents or persons in parental relation.

o This notice to the parents or persons in parental relation shall provide a description of the incident(s) which resulted in the suspension and shall inform the pupil, the parents and/or persons in parental relation to their right to request an immediate informal conference with the Principal or appropriate school official in accordance with the provisions of the Education Law Section 3214(3)(d). A parent or person in parental relation requesting an informal conference with the Principal shall be afforded the opportunity to ask questions at a conference of complaining witnesses. The notice to the parents or persons in parental relation and the informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the suspended student.

o Suspensions for up to five days may be ordered by the Principal or VCLC administration after the student has received oral or written notice of the charges against him/her. If such charges are denied by the student, an explanation of the evidence against the student and an opportunity by the student to present his/her side of the story will be provided. The foregoing requirements of notice, explanation and opportunity to present the student’s side shall not be deemed to require more than an informal discussion with the student. Informal discussion may occur immediately (within minutes) after the alleged misconduct.

o The Principal shall notify VCLC’s CEO and CFO immediately, giving the name(s) of the student(s) suspended, the reason for the suspension, evidence supporting the suspension and the length of the suspension.

o Suspension for more than five days may be ordered by VCLC’s administrative team including the CEO and CFO, but only after the student and his/her parents have an opportunity for a fair hearing upon reasonable notice. At the hearing, the student shall be entitled to be represented by a lawyer and shall have the right to cross-examine witnesses against him/her. The record of the hearing shall be kept, either stenographically or by tape recorder. The student has the right to appeal the decision.
VCLC shall have the right to designate a hearing officer, who shall conduct the hearing, make findings of fact, and recommend the appropriate measure of discipline.

- If the Principal determines that a suspension of more than five days is warranted, he/she shall refer the case to VCLC’s administrative team (including the CEO and CFO). If the team agrees with the determination, they shall give reasonable notice to the student and the parents or guardian(s) of their right to a fair hearing and of the charges against the student.
  - The charges in the notice shall be sufficiently specific to advise the student and his/her counsel of the incidents which have given rise to the proceeding and will form the basis for the hearing.
  - If the student or his/her parent(s) or guardian(s) request a hearing, the VCLC administrative team may hear and determine the proceeding or may designate a hearing officer to conduct the hearing.
  - At the hearing, the student will have the right to:
    - Have his/her parent(s) or guardian(s) at the hearing
    - Be represented by counsel
    - Question witnesses against him/her
    - Testify on his/her behalf
    - Present other witnesses and evidence on his/her behalf.
  - A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape recording shall be deemed a satisfactory record.
  - VCLC’s administrative team shall make a determination of guilt or innocence based on competent and substantial evidence that the student participated in the conduct of which he/she is accused. If there is a finding of guilt, the team shall determine the penalty to be imposed. In assessing the penalty, VCLC’s administrative team may consider the student’s anecdotal record provided the parent(s) or guardian(s) have been notified of VCLC’s intent to offer the anecdotal record for consideration of the issue of the penalty to be assessed. The parent(s) or guardian(s) shall be offered the opportunity to review and rebut the contents of the student’s anecdotal records prior to the assessment of a penalty.
  - If the hearing is presided over by a hearing officer, he/she shall make findings of fact and recommendations as to the appropriate measure of discipline to VCLC’s administrative team. The report of the hearing officer shall be advisory only, and VCLC’s team may accept all or any part thereof.
  - Any appeal may be made to VCLC’s administrative team.
  - VCLC’s decision may be appealed to the Commissioner of Education.
- Where a student is of compulsory education age is suspended, immediate steps for his/her alternative instruction shall be taken.
- VCLC may, on its own initiative, revoke the suspension of a student whenever it appears to be in the best interest of the school and the student to do so.

Teacher Disciplinary Removal of Disruptive Students: A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control the student’s behavior and maintain or restore control over the classroom by using good classroom management techniques.
- On occasion, a student’s behavior may become disruptive. The student’s behavior may interfere with the educational process or the teacher’s authority over the class. This
occurs when the student demonstrates a persistent unwillingness to comply with the teacher’s instructions or repeatedly violates the classroom behavior rules.

- A classroom teacher may remove a disruptive student from the class for up to two days.
- If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. The teacher can only remove the student from the room after the informal discussion.
- If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the students a chance to present his/her version of the relevant events within 24 hours.
- The teacher must meet with the Principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must meet with the Principal or designee prior to the beginning of classes on the next school day.
- Within 24 hours after the student’s removal, the Principal or designee must notify the student’s parents, in writing, that the student has been removed from class and why. The notice must inform the parent that he/she has the right, upon request, to meet informally with the Principal or designee to discuss the reasons for the removal.
  - This written notice must be provided by personal delivery, express mail delivery or equivalent means reasonably calculated to assure the receipt of such notice within 24 hours of suspension at the last known address or addresses of the parents or persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.
  - The Principal may require the teacher who ordered the removal to attend the informal conference.
  - If at the informal meeting, the student denies the charges, the Principal or designee must explain why the student was removed and give the student and his/her parents a chance to present the student’s version of the relevant events. The informal meeting must be held within 48 hours of the student’s removal. The timing of the informal meeting may be extended by mutual agreement of the parent and the Principal.
  - The Principal or designee may overturn the removal of the student from class if the Principal finds any of the following:
    - The charges against the student are not supported by substantial evidence.
    - The student’s removal is otherwise in violation of law, including VCLC’s code of conduct.
    - The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
  - The Principal or designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference if a conference is requested. No student removed from the classroom by the classroom teacher.
will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

- Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
- The Principal must keep a log of all removals of students from class.
- Removal of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal of the chairperson of the CPSE or CSE that the removal will not violate the student’s rights under state or federal law or regulation.

**Minimum Periods of Suspension**

- **One year suspension for possession of firearms**
  - Any student found guilty of bringing a firearm, as defined by federal law, onto school property after a hearing has been provided pursuant to Section 3214 of the Education Law will be subject to suspension from school for at least one calendar year. A student with a disability may only be suspended in accordance with federal and state law.
  - However, after the penalty has been determined, VCLC administration will review the penalty and may modify such suspension on a case-by-case basis. If the administrative team believes a one-year suspension penalty to be excessive, he/she may modify the penalty based on criteria including but not limited to:
    - Age of student
    - Student’s grade in school
    - Student’s prior disciplinary record
    - VCLC’s administrator(s)’ belief that other forms of discipline may be more effective
    - Other extenuating circumstances

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

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

- Record Keeping: A proper and accurate record of each student’s disciplinary profile shall be maintained for all incidents.
- In-Service Program: VCLC will sponsor an in-service education program for all VCLC staff to ensure the effective implementation of this section.

Referrals

- Counseling: The Principal and/or Director of Family Services shall handle referrals for students in need of counseling. They will discuss these needs with the student’s district’s CPSE or CSE.
- PINS Petition: VCLC may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he/she requires supervision and treatment by:
  - Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
  - 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.
  - Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.
- Juvenile Delinquents and Juvenile Offenders: VCLC’s administrative team is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:
  - Any student under the age of 16 who is found to have brought a weapon to school, or
  - Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law § 1.20(42).

Student Searches and Interrogations

- The term, “authorized school official” shall be deemed to include the CEO, CFO, Principal, Assistant Principal and administrative assistants when used throughout this Code of Conduct. An authorized school official may question a student about an alleged violation of law or the VCLC Code of Conduct and may impose a disciplinary penalty on a student. Such authorized officials may conduct searches of students and their belongings including laptops, cell phones, or other hand-held electronic devices, if there is reasonable suspicion to believe that the search will result in evidence that the student violated the law of VCLC’s Code of Conduct. When warranted, the
school nurse, social worker, and/or member of the administrative team will be asked to be present while searches are conducted. Students are not entitled to “Miranda” warnings before being questioned by school officials, nor are school officials required to contact the student’s parents before questioning the student. School officials, however, will inform all students why they are being questioned.

- An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.
- An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than VCLC 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. VCLC employees will be considered reliable informants unless they are known to previously supplied information that they knew was not accurate.
- Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that he/she possesses physical evidence that they violated the law or VCLC’s code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.
- Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

**Student Lockers, Desks and Other School Storage Places:** The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places or VCLC computers. Students have no reasonable expectation of privacy with respect to these places or devices and school officials retain complete control over them. This means that student lockers, desks and other school storage places and VCLC computers may be subject to search at any time by school officials, without prior notice to students and without their consent.

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

**Police Involvement in Searches and Interrogations of Students**

- VCLC officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving student only if they have:
  - A search or an arrest warrant, or
  - Probable cause to believe that a crime has been committed on school property or at a school function; or
  - Been invited by school officials
• If exigent circumstances exist that suggesting that the school personnel, students or
visitors to VCLC property are in imminent danger of serious bodily harm.

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

• Students who are questioned by police officials on school property or at a school function will be
afforded the same rights they have outside the school. This means:
  o They must be informed of their legal rights.
  o They may remain silent if they so desire,
  o They may request the presence of an attorney.

Child Protective Services Investigations

• Consistent with VCLC’s commitment to keep students safe from harm and the obligation of school
officials to be a Mandated Reporter and report to child protective services when they have
reasonable cause to suspect that a student has been abused or maltreated, VCLC will cooperate
with local child protective services workers (CPS) who wish to conduct interviews of students on
school property relating to allegations of suspected child abuse, and/or neglect, or custody
investigations.

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

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

Discipline of Students with Disabilities

• All suspensions of a classified student with a disability shall be promptly reported to the CPSE or
CSE.

• VCLC shall endeavor not to suspend a classified CSE student for more than a cumulative period of
ten (10) school days during the any academic year for any offense that is a manifestation of the
disability, as determined by the CSE.

• The need to address disruptive or problem behavior within its schools may result in the
suspension, removal or other discipline of students with disabilities eligible for services under the
Individuals with Disabilities Education Act (IDEA) and Article 89 of the New York Education Law
and their implementing regulations.
- Students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. Accordingly, the procedures for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA or Article 89 will conform with the procedural safeguards required by applicable laws and regulations.
- Part 201 of the Regulations of the Commissioner of the State of New York implements the procedural protections provided under New York’s Education Law and coordinates the State’s general procedures for suspension of students with disabilities with the requirements of IDEA and its implementing regulations.
- VCLC shall notify staff of the most current version of Part 201 of the Regulations of the Commissioner of Education.
- This regulation 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 Removal of Students with Disabilities**

- A suspension means a suspension pursuant to Section 3214 of the New York Education Law.
- A removal means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and 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/herself or others.
- An interim alternative educational setting (IAES) means a temporary educational placement for a period of up to forty-five (45) days, other than the student’s current placement at the time the behaviors 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 includes services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.
- School personnel may order the suspension or removal of a student with a disability from his/her current educational placement as follows:
  - VCLC may request that a school district (through the CPSE or CSE) find an interim alternative educational setting (IAES), another placement or suspension for a period not to exceed 5 consecutive school days provided the period does not exceed the amount of time a nondisabled student would be subject to suspension for the same behavior.
  - VCLC may request that a school district (through the CPSE or CSE) find an interim alternative educational setting (IAES), another placement or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed for the same behavior, if VCLC determines the student engaged in behavior that warrants a suspension and suspension or removal does not the amount of time a nondisabled student would be subject to suspension for the same behavior.
  - VCLC may request 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.
  - VCLC may request that the school district CSE find an IAES for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the
student knowingly possesses or uses illegal drugs or sell or solicits the sale of a controlled substance while at school or at a school function.

- The term weapon means the same as “dangerous weapon” under 18 U.S.C. Section 930(g)(w) which includes “a weapon, device, instrument, material or substance animate or inanimate, that is sued for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length.”
- Controlled substance means a drug or other substance identified in certain provisions of the Federal Controlled Substances Act specified in both federal and state law and regulations applicable to this regulation.
- Illegal drugs means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substance Act or any other federal law.

- 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/her current educational placement poses a risk of harm to the student or others.

**Change of Placement Rule**

- A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:
  - For more than 10 consecutive school days; or
  - For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- 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.

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

- VCLC with CPSE/CSE approval will conduct functional behavior assessments to determine why a student engages in behaviors that impede learning and how the student’s behavior relates to the environment. The CPSE/CSE shall develop or review behavioral intervention plans whenever VCLC 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.
- VCLC will conduct a manifestation determination review of the relationship between a 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 or because maintaining the student in his/her current educational setting pose 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.
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, VCLC is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred.

If VCLC is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

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 nondisabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such nondisabled 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 evaluations is completed, the nondisabled student, who is not a student presumed to have a disability for discipline purposes, shall remain in the current educational placement which can include suspension.

VCLC 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 because of maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose 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 notice of disciplinary removal shall be accompanied by the procedural safeguards notice prescribed by the Commissioner of Education of the State of New York.

The parents of a student with a disability 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 nondisabled students under New York Education Law.

VCLC’s hearing on disciplinary charges against a student with a disability subject to 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 Education Law and Regulations of the Commissioner of Education.

The removal of a student with a disability other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of nondisabled students, except that school personnel may not impose such removal for more than ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined this behavior is not a manifestation of the student’s disability.

During any period of suspension or removal, including placement in an IAES, a student with a disability shall be provided services as required by the Education Law and Regulations of the Commissioner of Education.

**Expeditet Due Process Hearings**

- An expedited due process hearing shall be conducted in the manner specified by the Regulations of the Commissioner of Education which are incorporated into the regulation, if
  - VCLC 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/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/her current educational placement during such proceedings.

- The parent requests such a hearing to challenge a determination that the student’s
behavior was not a manifestation of the student’s disability, or relating to any decision
regarding placement, including but not limited to any decision to place the student in an
IAES.
  - During the pendency of an expedited due process hearing or appeal regarding the
placement of a student in an IAES for behavior involving weapons, illegal drugs or
controlled substances, or on grounds of dangerousness, or regarding a
determination that the behavior is not a manifestation of the student’s disability
for a student who has been placed in an IAES, the student shall remain in the IAES
pending the decision of the impartial hearing officer or until expiration of the
IAED placement, whichever occurs first, unless the parents and VCLC agree
otherwise.
  - 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 the removal to the IAES, except where the student is again placed in an IAES.
  - 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/she must mail a written decision to VCLC and the parents within five business
days after the last hearing date, and in no event later than 45 calendar days after the receipt of
the request for a hearing without exceptions or extensions.

Referral to Law Enforcement and Judicial Authorities: In accordance with provisions of the IDEA and its
implementing regulations:

- VCLC may report a crime committed by a student with a disability to appropriate authorities, and
such action will not constitute a change in the student’s placement.
- VCLC administrative team 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 consistent with FERPA.

Visitors to the Schools

- VCLC has an open-door policy which allows parents to visit the school without an appointment to
observe their child in the classroom or therapy rooms through one-way viewing windows and
intercom systems. Certain limits as outlined in the Parent Handbook must be in place for such
visits.
  - Anyone who is not a regular staff member or student of the school will be considered a
visitor.
  - All visitors including family members must sign in and out of the building and state the
purpose of their visit on the sign-in sheets. Sign-in sheets are located at the reception
desks.
  - All visitors must wear the issued Visitor or Family pass at all times when in the school or
on school property.
  - Teachers/therapists are not expected to take time out from class or therapy to discuss
individual matters with parents.
Any unauthorized person on school property will be reported to the Principal, CEO or CFO or a designee. Unauthorized persons will be asked to leave. The situation may trigger a Lock-Out or Lock-Down, depending on the perceived status of the visitor. The police may be called if the situation warrants.

All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

All visitors are expected to promote a safe, orderly and stimulating school environment, supporting the active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Public Conduct on School Property

- VCLC recognizes that the primary purpose of VCLC is to provide a superior atmosphere for learning and education in accordance with its mission:
  - Promote the development, education and inclusion into the community of children with or at risk of disabilities
  - Increase the capabilities of families whose children have or are at risk of disabilities and reduce the stresses on those families
  - Initiate improvements in the delivery of services to children and their families
  - Provide training and technical assistance to early childhood personnel
  - Promote programs, research, attitudes, policies and collaborations that improve child development and family life

- Any action by an individual or group aimed at disrupting, interfering with or delaying the education process, or having such effect is hereby declared to be in violation of this Code of Conduct.

- VCLC also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage and destruction. VCLC will also seek restitution from and prosecution of, any person or persons who willfully damages school property.

- It is not the intent of this policy to limit freedom of speech or peaceful assembly. VCLC recognizes that free inquiry and free expression are indispensable to the objectives of VCLC. The purpose of the rules and regulations is to prevent abuse of the rights of others and to maintain public order, not to prevent or restrain controversy or dissent.

Dissemination and Review

Dissemination of Code of Conduct

- VCLC will work to ensure that the community is aware of this code of conduct.
  - Providing copies to parents at the beginning of the school year.
  - Putting a copy of the Code of Conduct on VCLC’s updated website (under construction, October 2015).
  - Providing all VCLC employees with a copy of the Code of Conduct and a copy of amendments to the code as soon as practicable after adoption.
- Providing all new employees with a copy of the current code when they are hired.
- Making copies of the Code of Conduct for review by students, parents and other community members.
- Posting the name of the VCLC Administrative Team.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janice Friedman</td>
<td>CEO</td>
<td>516-921-7171, Ext. 2126</td>
</tr>
<tr>
<td>Andrea Rieger</td>
<td>CFO</td>
<td>516-921-7171, Ext. 2131</td>
</tr>
<tr>
<td>Jolie Shah</td>
<td>Principal</td>
<td>516-921-7171, Ext. 2249</td>
</tr>
<tr>
<td>Corey Lein</td>
<td>Assistant Principal</td>
<td>516-490-3301, Ext. 3121</td>
</tr>
<tr>
<td>Joan Padron</td>
<td>Director of Family Services</td>
<td>516-921-7171, Ext. 2183</td>
</tr>
<tr>
<td>Janet Henderson</td>
<td>Director of Human Resources</td>
<td>516-921-7171, Ext. 2132</td>
</tr>
<tr>
<td>Janet Slade</td>
<td>Controller</td>
<td>516-921-7171, Ext. 2136</td>
</tr>
<tr>
<td>Marie Colin-Eugene</td>
<td>Compliance Officer</td>
<td>516-921-7171, Ext. 2390</td>
</tr>
</tbody>
</table>

- VCLC will sponsor an in-service education program for all VCLC employees to ensure that the effective implantation of the code of conduct.

**Review of Code of Conduct**

- VCLC will review this code of conduct yearly and update it as necessary. In conducting the review, VCLC will consider how effective the code’s provisions have been and whether the code has been applied fairly and consistently.
Code of Conduct Acknowledgement Form

This will acknowledge that I have received, read and understand the Code of Conduct Policy for Variety Child Learning Center.

Date: ______________________

Print Name: ____________________________

Signature: _____________________________