

# **Summit Academy Code of Conduct**

**Prepared by Amy L. Jablonski, Psy.D.  
Vice President, Education and Behavioral Health**

**The Summit Center  
150 Stahl Road  
Getzville, NY 14065**

## SUMMIT ACADEMY CODE OF CONDUCT

<b>I</b>	<b>Introduction</b>	<b>4</b>
<b>II</b>	<b>Definitions</b>	<b>4</b>
<b>III</b>	<b>Essential Partners</b>	<b>5</b>
	<b>A. Parents</b>	<b>5</b>
	<b>B. Direct care staff</b>	<b>5</b>
	<b>C. Principal and other school leaders</b>	<b>6</b>
<b>IV</b>	<b>Student rights and responsibilities</b>	<b>6</b>
	<b>A. Student rights</b>	<b>6</b>
	<b>B. Student responsibilities</b>	<b>6</b>
	<b>C. Human Rights Committee</b>	<b>7</b>
	<b>D. Child Protective Services</b>	<b>7</b>
<b>V</b>	<b>Dignity for All Students Act</b>	<b>7</b>
	<b>Dignity Act Coordinators (DAC)</b>	<b>7</b>
<b>VI</b>	<b>Student dress code</b>	<b>8</b>
	<b>A. Clothing</b>	<b>9</b>
	<b>B. Shoes</b>	<b>9</b>
	<b>C. Physical education</b>	<b>9</b>
	<b>D. Changes of clothing</b>	<b>9</b>
<b>VII</b>	<b>Prohibited student conduct</b>	<b>9</b>
	<b>A. Disorderly conduct</b>	<b>9</b>
	<b>B. Academic misconduct</b>	<b>10</b>
	<b>C. Violent conduct</b>	<b>10</b>
	<b>D. Conduct that endangers others</b>	<b>10</b>
	<b>E. Misconduct on the school bus</b>	<b>10</b>
<b>VIII</b>	<b>Reporting violations</b>	<b>11</b>
<b>IX</b>	<b>Discipline of students with disabilities</b>	<b>11</b>
	<b>A. Consequences</b>	<b>12</b>
	<b>B. Authorized suspensions or removals</b>	<b>13</b>
	<b>C. Change of placement rule</b>	<b>14</b>
<b>X</b>	<b>Corporal punishment</b>	<b>15</b>
<b>XI</b>	<b>Student searches</b>	<b>15</b>
	<b>A. Process for Searches</b>	<b>15</b>
	<b>B. Lockers, desks and storage spaces</b>	<b>16</b>
	<b>C. Body checks</b>	<b>16</b>
	<b>D. Documentation of searches</b>	<b>16</b>
<b>XII</b>	<b>Visitors to the school</b>	<b>16</b>
<b>XIII</b>	<b>Public conduct on school property</b>	<b>17</b>
	<b>A. Prohibited conduct</b>	<b>17</b>
	<b>B. Consequences</b>	<b>18</b>
	<b>C. Enforcement</b>	<b>18</b>
<b>XIV</b>	<b>Dissemination and review</b>	<b>18</b>
	<b>Applicable Laws and Regulations</b>	<b>20</b>
	<b>Acronyms list</b>	<b>20</b>

# **SUMMIT ACADEMY CODE OF CONDUCT**

## **I. INTRODUCTION**

Summit Academy is committed to providing a safe and orderly school environment where students may receive and school personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other school personnel, parents and other visitors is essential to achieving this goal.

Summit's Code of Conduct meets the requirements outlined in The New York State Regulations of the Commissioner of Education part 200.7(b)(3) and the Dignity for All Students Act (Chapter 482 of the Laws of 2010). Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## **II. DEFINITIONS**

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

"Classroom" means any educational area.

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

"Principal" means principal and also includes his/her designee.

"School property" means in or within any building, structure, playing field, playground, school provided transportation, parking lot or land contained within the real property boundary lines of Summit owned or leased property, as well as locations, to the extent applicable, where Summit programs or services are provided. .

"School function" means any school-sponsored event or activity, either on or off school property.

"Violent Act" means to inflict physical or emotional harm upon a person, or to damage property, or to engage in an act that could have caused harm or damage.

"Violent Threat" is a statement that inflicts emotional pain, bullying, physical harm, or damage to property or a statement that puts someone in fear of pain, harm or damage.

"Violent Student" means any person enrolled as a student who, while on school property or at a school function; 1)commits an act of violence or attempts to do so, 2)possesses, displays or threatens to use a weapon\* or 3) knowingly and intentionally damages or destroys the personal property, or threatens to do so, of any student or school employee or any person lawfully on school property or at a school function.

"Visitor" means any person not enrolled at or employed by Summit on school property or at a school related function.

"\*Weapon" refers to the definition set forth in federal law.

### **III. ESSENTIAL PARTNERS**

#### **A. Parents**

All parents are expected to:

1. Recognize that the education of their child is a joint responsibility of the parents and the school community.
2. Provide Summit Academy officials with current working home, work and emergency telephone numbers so that schools may reach parents to discuss progress and other matters of concern.
3. Send their child to school ready to participate and learn (well rested and nourished).
4. Ensure their child attends school daily and on time.
5. Ensure absences are excused by proper documentation.
6. Ensure their child is neatly dressed and groomed in a manner consistent with the student dress code.
7. Know school rules and help their child understand them.
8. Convey to their child a supportive attitude toward education.
9. Build good relationships with classroom team members and other school personnel.
10. Work with school personnel to provide appropriate methods and support to help students control behavior.
11. Inform school officials of changes in the home situation that may affect student behavior or performance.
12. Communicate regularly with the classroom team regarding changes in their child's diet, medication and health.
13. Appropriately maintain Augmentative Communication Devices in the home and send to school fully-charged on a daily basis, (if applicable).

#### **B. Direct Care Staff**

All Summit direct care staff members are expected to:

1. Promote a safe environment.
2. Promote a climate of mutual respect and dignity, which will promote learning.
3. Ensure that goals and annual objectives are targeted and progress is monitored during the course of the year.
4. Provide appropriate methods and support to help students control behavior.
5. Know school policies, rules, and this code and obey them and enforce them in a fair and consistent manner.
6. Communicate to students and parents expectations for student performance and classroom conduct.
7. Communicate regularly with parents and other staff members concerning student achievement.
8. Know the school's emergency and security procedures and assist in their implementation as appropriate.
9. Build a stable relationship with students and their parents.

### **C. Principal and other school leaders**

1. Promote a safe, orderly and stimulating school environment, supporting effective teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate, on a regular basis, all instructional programs.
4. Support the development of and student participation in appropriate school activities.
5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

## **IV. STUDENT RIGHTS AND RESPONSIBILITIES**

\* The following are not intended to be all-inclusive.

### **A. Student Rights**

Summit Academy is committed to safeguard the rights given to all students under state and federal law. Students will be granted the opportunity to receive a quality education.

In addition, to promote a safe, healthy, orderly and civil school environment, all Summit Academy students have the right:

1. to a classroom that is conducive to learning
2. to be treated with respect and dignity by all school personnel
3. to competent instruction that addresses individualized student needs
4. to a clean, safe, well-maintained educational facility
5. to eat lunch during the day
6. to take part in appropriate school activities regardless of a disability diagnosis, race, color, creed, national origin, religion, gender, or sexual orientation
7. to be regularly informed of student rules by school personnel
8. to participate, to the extent feasible, in investigations in which disciplinary penalties may be imposed
9. to a safe and supportive environment free from discrimination, intimidation, taunting, harassment and bullying on school property or at a school function

### **B. Student Responsibilities**

All Summit Academy students have the responsibility to:

1. participate in educational activities
2. show respect to themselves, other persons and to property
3. follow school rules
4. attend school every day unless they are legally excused
5. work to the best of their abilities
6. comply with instructions given by staff members
7. ask questions when they do not understand
8. seek help when needed
9. follow the school dress code

10. accept responsibility for their actions
11. communicate potentially dangerous situations to a school official or staff member
12. contribute to maintaining a safe and orderly school environment that is conducive to learning

### **C. Human Rights Committee**

The Summit Center's Human Rights Committee (HRC) was established to help ensure the safety and well being of our students. To that end, Summit Academy requires that all Behavioral Intervention Plans containing certain Personal Intervention Techniques (PIT's) be reviewed and approved by the HRC. Research proposals as well as policies and procedures that could be viewed as impacting human rights are also brought before the HRC.

The Summit Center's HRC is a diverse committee including representatives from a wide variety of areas. Human Rights Committee meetings are held quarterly throughout the year. Data collected on the use of Personal Intervention Techniques (PIT's) is reviewed at each meeting. Recommendations regarding any trends, changes in frequency, etc. are then discussed. A goal of the HRC is to help reduce the frequency of restrictive interventions.

### **D. Child Protective Services**

Consistent with Summit's commitment to keep students safe from harm, and legal obligations (SSL § 413), school officials and other mandated reporters will report to child protective services when they have reasonable suspicion that a student has been abused, maltreated or neglected. Other mandated reporters include psychologists, nurses and day care workers. In addition, Summit will cooperate with local child protective service workers who wish to conduct interviews with students on school property relating to allegations of suspected abuse and/or neglect, or custody evaluations.

### **V. DIGNITY FOR ALL STUDENTS ACT**

The Dignity for All Students Act (DASA) prohibits harassment and discrimination of students by peers and by school personnel. In addition the act explicitly prohibits bullying and cyber bullying. The Act covers all public elementary and secondary aged students and applies to behaviors on school property, in school buildings, on a school bus, as well as school-sponsored events or activities, or events or activities initiated off school grounds and continued at school. At least one employee at every school will be identified to serve as the DASA coordinator. This individual must be thoroughly trained to "handle human relations" in the protected areas.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

- race
- color

- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

If a student feels as if they are being discriminated and/or harassed by a fellow peer and/or Summit Center employee they should inform, though not necessarily in this order:

- Classroom Staff
- Assistant Principal/Principal
- Educational Coordinators

With assistance from school staff, the student may complete and submit a DASA Complaint form to school administration. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior.

### **Dignity Act Coordinator**

All district dignity act coordinators (at least one per building) are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender.
3. Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.
4. Accept reports regarding violations and conduct investigations as appropriate.

## **VI. STUDENT DRESS CODE**

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

Students are expected to be neat, clean and well groomed for their school day.

### **A. Clothing**

1. Clothing must fit appropriately and not too loose or too tight.
2. Shirts must have sleeves or, in hot weather, have straps that are at least 2 inches in width. Shirts must overlap pants or be tucked into pants.
3. Pants must be worn at the waist (i.e. no sagging pants).

4. Shorts and skirts must be of mid-thigh length.
5. Clothing must not contain graphics or words/slogans that are suggestive, promote violence or are denigrating to others.
6. Hats are not to be worn in the school building during school hours unless required for medical or religious purposes.

#### **B. Shoes**

1. Students are expected to wear non-skid athletic or rubber soled shoes to school. This type of footwear is required for safety reasons and for use during physical education or other gross motor activities. If other types of footwear are worn to school, a pair of non-skid athletic shoes must be brought to or kept at school for students to change into daily.
2. Boots or shoes with reinforced metal toes are prohibited for safety reasons. If a student's snow boots are reinforced in this manner, students will be required to change into an alternate approved type of footwear during the school day.

#### **C. Physical Education**

1. Students of middle and secondary school ages may be required to bring a T-shirt to school for use during gym class. All items brought to school should be labeled with the student's full name.
2. All students are required to wear non-skid athletic shoes in gym class.

#### **D. Changes of Clothing**

1. For students who may require a change in clothing, e.g. toileting accidents, parents are to send in an additional set of clothing. All clothing should be clearly labeled with the student's name and classroom number. Some classroom teachers may require a change of clothing for all their students.

### **VII. PROHIBITED STUDENT CONDUCT**

The rules of conduct listed below clarify expectations for students and focus on safety and respect for the rights and property of others.

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

A. Engage in conduct that is disorderly. Examples of disorderly conduct include:

1. Leaving an educational area without permission.
2. Using language or gestures that are profane, lewd, vulgar, abusive or otherwise inappropriate.
3. Obstructing vehicular or pedestrian traffic.
4. Engaging in any act that disrupts the normal operation of the school community and educational process.
5. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of Summit's Acceptable Use Policy.



6. Use of pagers, cell phones, personal listening devices, or other electronic devices except when expressly permitted.

B. Engage in academic misconduct. Examples of academic misconduct include:

1. Cheating
2. Copying
3. Forgery

C. Engage in conduct that is violent. Examples of violent conduct include:

1. Committing or attempting to commit an act of violence (such as hitting, spitting, kicking, punching, and scratching) upon a student, teacher, administrator or other school employee or any other person lawfully on Summit property.
2. Possessing a weapon.
3. Displaying what appears to be a weapon.
4. Threatening to use any weapon.
5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other Summit employee or any person lawfully on school property, including graffiti or arson.
6. Intentionally damaging or destroying Summit property.

D. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:

1. Lying to school personnel.
2. Stealing the property of other students, school personnel or others lawfully on school property or attending a school function.
3. Intimidation/threats/bullying, which includes engaging in actions or statements that put an individual in fear of harm.
4. Selling, using or possessing obscene material.
5. Using vulgar or abusive language, cursing or swearing.
6. Sexual harassment
7. Use of or possession of tobacco products.
8. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances (or look alike substances), or any substance which is intended to alter mood, or being under the influence of such substances. Also using or sharing prescription and over-the-counter drugs.
9. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
10. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

E. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while using District transportation and other contracted services to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

### **III. REPORTING VIOLATIONS**

Anyone observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a school official or employee.

All Summit employees that are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Summit employees who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification by the Principal to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include suspension and referral for prosecution.

The principal must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same date. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

### **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The staff of Summit is committed to treating every student effectively, and with respect. Our approach is to focus on proactive strategies to address behavioral concerns that interfere with or impede learning. Minor student behavior problems typically result in simple verbal reminders, such as a reminder to follow directions or finish their work. When behavior problems become frequent or more severe and cannot be managed with the classroom behavior plan, the staff (with parent involvement) complete a careful assessment of the problem (called a Functional Behavioral Assessment), develop an individual plan to address the concern, and continually evaluate progress. The support plan includes strategies to prevent the behavior (such as keeping the student engaged), a plan to teach alternative or replacement behaviors (such as a way of communicating when he or she needs help), a plan to reward the student for appropriate behavior, and the identification of a consistent consequence when the challenging behavior occurs. The consequence is determined individually for each student and can be as simple as redirecting the student to an appropriate activity or as harsh as removing the student from the classroom and isolating him/her briefly from other students.

If at any time the student's behavior becomes so disruptive or potentially dangerous that the student or others are at risk of injury, an emergency crisis procedure may be used to control the situation and allow the student to become calm. Summit presently uses a crisis management approach that has been developed by the New York State Office for People With Developmental Disabilities: *Strategies for Crisis Intervention and Prevention-Revised (SCIP-R)*. As a member of the Western New York SCIP-R Network,

Summit trains all direct care staff and their supervisors in the appropriate use of SCIP-R techniques.

SCIP-R emphasizes proactive strategies that staff use to encourage and support positive behaviors. Understanding that behavior is a form of communication and helping the student to learn how to control his/her behavior are important parts of both approaches.

As part of SCIP-R, staff also are taught physical intervention techniques that are used to ensure the safety of the students and staff. These techniques are used when a student is a danger to himself/herself or others and/or is engaged in severe property damage. SCIP-R techniques include ways to successfully escort the student and various methods of physical containment or restraint. In the most extraordinary circumstances, a student may be removed from the classroom and escorted to one of our timeout rooms. These are small rooms, devoid of toys and materials, that provide a safe setting for the student to gain control before returning to the classroom. Timeout and physical restraint methods are procedures used as a last resort where the safety of students and staff cannot be assured in any other manner. All physical restraint techniques are closely monitored and documented (see Student Rights) to ensure that they are used appropriately and sparingly. Parents may request copies of Summit's behavioral intervention and time out policies by contacting the \_Director of Behavioral Support Services.

Summit recognizes that, despite implementation of the safeguards above, it may be necessary to suspend, remove or otherwise discipline Summit students to address disruptive or problem behavior. Summit 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.

## **A. Consequences**

Students who are found to have violated Summit's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that consequence, consistent with the student's right to due process (which, at minimum, involves the right of the student to offer an explanation).

1. Oral warning - any member of the Summit staff
2. Written notification to parent - any Summit teacher or Administrator
3. Restitution for stolen or vandalized property-principal
4. Removal from classroom/educational area - teachers, clinical service providers, clinical support staff, principal, administrator
5. Suspension from social, co-curricular or extracurricular activities - activity director
6. In-school suspension - principal
7. Short-term (five consecutive days or less) suspension from school - principal,
8. Long-term (more than five consecutive days) suspension from school – COO/CEO

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

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

### 1. Definitions:

a. An "out of school suspension" means a removal from the school building or general population for one or more days.

b. An "in school suspension" means an emergency removal from the student's typical classroom setting into an alternate location where instruction will be provided. Note that a planned clinical usage of alternate rooms does not constitute "in school suspension".

c. A "removal" (1) means a removal for disciplinary reasons from the student's current educational placement other than a suspension; (2) a 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; and (3) a change in placement to an IAES where the behavior involved serious bodily injury, a weapon or illegal drugs.

d. 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, although in another setting, to continue to receive educational services and continue to participate in the general education curriculum, if appropriate, and to progress towards meeting the goals set out in the student's IEP and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications.

### **SHORT TERM ( 5 days or less) SUSPENSION FROM SCHOOL**

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

a. The Summit Academy Principal and/or Director of Behavioral Support Services may order the placement of a student with a disability into an in-school or out of school suspension for up to 5 consecutive school days, if the student's behavior warrants a suspension. The Summit Academy Principal will notify the student's parents and school district by phone as soon as a decision has been made to suspend a student. The student's parents and school district will also receive notification in writing within twenty-four hours. If an Individualized Behavior Plan is not presently in place for a student who has been suspended, Summit staff will conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) as soon as the student returns to school. If the student presently has a BIP, a full review of the plan will be conducted upon the student's return to school.

### **LONG-TERM OR FORMAL SUSPENSIONS (more than 5 days from school)**

- b. The Summit Academy Principal and/or - Director of Behavioral Support Services may order the placement of a student with a disability into suspension for up to 10 days, after formal consultation with the Vice President, Education and Behavioral Health and/or Executive Director and after a disciplinary hearing conducted in conformity with the student's due process rights.
- c. The Summit Academy Principal and/or –Executive Director 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, i.e., they do not constitute a pattern because they cumulate to more than 10 school days in the school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a 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.
- d. Summit's Executive Director or Vice President, Education and Behavioral Health may suspend a student and refer to the CSE to determine an IAES for up to 45 school 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 sells or solicits the sale of a controlled substance while at school or a school function or the student has inflicted serious bodily injury upon another person while at school, at a school function or on school premises.
  - 1. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. S930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except [for] a pocket knife with a blade of less than 2.5 inches in length."
  - 2. "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 policy.
  - 3. "Illegal drugs" means 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.
- e. 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 school days at a time, if maintaining the student in his or her current educational placement is substantially likely to result in injury to the student or others.

### **C. Change of Placement Rule**

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- a. For more than 10 consecutive school days; or

b. 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 the school year; because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in a 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.

2. Summit 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 if it has been properly determined that the behavior was a manifestation of the student's disability.

3. However, the student's school district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement if 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, serious bodily injury or controlled substances.

## **X. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student.

Corporal punishment of any student by any Summit employee is strictly forbidden.

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

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

## **XI. STUDENT SEARCHES**

### **A. Process for Searches**

Summit is committed to ensuring an atmosphere that is safe and orderly on school property and at school functions. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Summit Code of Conduct. Summit staff are not required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Summit Principal, \_Director of Behavior Support Services, Assistant Principals, Corporate Compliance Officer and school nurses are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion

to believe that the search will result in evidence that the student violated the law or the Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, as long as the school official has a legitimate reason.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

## **B. 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. Students should have no expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places are the exclusive property of Summit and may be subject to search at any time by school officials, without prior notice to students and without their consent.

## **C. Body Checks**

As part of Strategies for Crisis Intervention and Prevention –Revised (SCIP-R) procedures, body checks are performed for all students who have been involved in restrictive emergency intervention procedures. Additionally, body checks may be conducted for students who have been injured, or as part of an incident investigation. Body checks may require the removal of clothing. All body checks that require the removal of clothing will be conducted by the school nurse in a location that affords the student modesty.

## **D. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording and documenting the search.

## **XII. Visitors to the Schools**

Summit encourages parents and others to visit the school. Since schools are a place of work and learning, certain limits must be set for such visits. The Executive Director and his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors:

1. Anyone who is not a staff member, student or trained volunteer in that building will be considered a visitor.
2. All visitors must report to the reception desk upon arrival. They will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the reception desk upon leaving the building.
3. Visitors attending school functions that are open to the public, such as open houses or public gatherings, are not required to register.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Assistant Principals or the \_Director of Administrative Services so that class disruption is kept to a minimum.
5. Teachers are not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Executive Director or his or her designee. Unauthorized persons will be asked to leave. If the situation warrants, the police may be called.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct and the code of each building.

### **XIII. Public Conduct on School Property**

Summit is committed to providing an orderly environment that is based on respect and is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function.

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

#### **A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Injure any person or threaten to do so.
2. Damage or destroy Summit property or the personal property of any one lawfully on school property, or threaten to do so.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials, on school grounds or at school functions, which are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, disability, gender or sexual orientation.
6. Enter or remain in any portion of the school premises without authorization, or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either, on school property or at a school function (except as allowed by law and authorized by Summit).
10. Possess or use weapons on school property or at a school function, except in the case of law enforcement officers.
11. Loiter on or about school property.
12. Gamble on school property or at school functions (except as allowed by law).
13. Refuse to comply, in a timely manner, with any reasonable request of Summit personnel.



14. Incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Summit policy while on school property or while at a school function.

## **B. Consequences**

Persons who violate this code shall be subject to the following consequences:

1. Visitors - Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they will be removed by local law enforcement authorities.
2. Students - They shall be subject to disciplinary action as outlined in this Code.
3. Staff members - They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

## **C. Enforcement**

The Executive Director or his/her designee shall be responsible for enforcing the conduct required by this code.

When the Executive Director or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the Executive Director or his/her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Executive Director or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. Summit shall initiate disciplinary action against any student or staff member, as appropriate. In addition, Summit reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XIV. Dissemination and Review**

Summit will work to ensure that Summit Staff members, parents of Summit students and interested community members are aware of this Code of Conduct by:

1. Providing copies of a summary of the code to all families at the beginning of each school year and discussing the Code with families at Open House.
2. Requiring teachers to discuss applicable sections of the Code with students in the beginning of the school year in a manner that meets students' individual needs.
3. Making copies of the code available for review by students, parents and other community members.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments of the code as soon as practicable after

- adoption. In-services regarding this Code of Conduct will be provided to employees annually on Staff Development Day.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.

Summit Academy Administration will review this Code of Conduct at least every two years and update it as necessary. In conducting the review, Summit will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

### **Applicable Laws and Regulations:**

NYS Regulations of the Commissioner of Education Part 200.7(b)(3).- Defines the need for, and required contents of, a school code of conduct for a state-approved private school.

18 U.S.C. S930 (g) (w) - Defines dangerous weapons

U.S.C. Title 21 (13)(I)(B) § 812 – Federal definition of a controlled substance

Article 33: New York State Controlled Substances Act

NYC Article 9-A “Games of chance licensing law” – Defines they types of legal gambling activities allowed by organizations.

Chapter 482 of the Laws of 2010: The Dignity for all Students Act

### **List of Commonly used Acronyms**

CPSE – Committee on Preschool Special Education

CSE – Committee on Special Education

DASA- Dignity for All Students Act

FBA – Functional Behavior Assessment

HRC – Human Rights Committee

IAES – page 11 - interim alternative educational setting

IEP - Individual Education Plan

OMRDD – Office of Mental Retardation and Developmental Disabilities

PIT – Personal Intervention Techniques

SCIP – R – Strategies for Crisis Intervention and Prevention - Revised