

Summit Academy Code of Conduct



Last revised: October 27, 2023

**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

Table of contents:

I. INTRODUCTION	4
II. DEFINITIONS	4
III. ESSENTIAL PARTNERS	5
A. Parents	5
B. Direct Care Staff	6
C. Principal and other school leaders.....	6
IV. STUDENT RIGHTS AND RESPONSIBILITIES	7
A. Student Rights	7
B. Student Responsibilities.....	7
C. Human Rights Committee	8
D. Child Protective Services	8
V. DIGNITY FOR ALL STUDENTS ACT.....	8
Dignity for all Student Act (DASA) Coordinator.....	9
VI. STUDENT DRESS CODE	9
A. Clothing	9
B. Shoes	10
C. Adapted Physical Education	10
D. Changes of Clothing	10
VII. PROHIBITED STUDENT CONDUCT.....	10
A. Disorderly conduct.....	10
B. Academic misconduct.....	11
C. Violent conduct.....	11
D. Conduct that endangers others.....	11
E. Misconduct on the school bus	12
F. Engage in cyberbullying.....	12
VIII. REPORTING VIOLATIONS	12
Extreme Risk Protection Orders (ERPO)	13
IX. DISCIPLINE OF STUDENTS WITH DISABILITIES	13
A. Consequences.....	14
B. Authorized Suspensions or Removals of Students with Disabilities	14
C. Change of Placement Rule.....	16
X. CORPORAL PUNISHMENT	16

XI. STUDENT SEARCHES..... 17

- A. Process for Searches..... 17
- B. Student Lockers, Desks and Other School Storage Places 17
- C. Body Checks 17
- D. Documentation of Searches 17

XII. VISITORS TO OUR SCHOOL BUILDINGS 18

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY 18

- A. Prohibited Conduct 18
- B. Consequences 19
- C. Enforcement 20

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. This code was compiled from various local school district codes and modified to meet the specific needs of Summit Academy students and families.

II. DEFINITIONS

For this code's purposes, the following definitions apply.

Bullying is defined as unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time, with the intent to cause harm. Bullying is not accidental.

Classroom means any educational area.

Discrimination means unfair or unjust treatment of others based on a person's actual or perceived membership in a legally protected class such as race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Gender means actual or perceived sex. It includes a person's gender identity and expression.

Harassment means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying, that has or would have the effect of unreasonably and substantially interfering with the students educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or reasonably caused or would reasonably expect it to cause physical injury or emotional harm to a student; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the content, threats, intimidation, or abuse might reach school property. Acts of harassment 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, sexual orientation, gender, or sex. Threats, intimidation, and abuse shall include both verbal and nonverbal actions. *Education Law 11(7)*.

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

Principal means school Principal and includes their designee.

School Property means in or within any building, structure, 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 on a person, damage property, or engage in an act that could cause 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 parents and the school community.
2. Provide Summit Academy officials with current working home, work, and emergency telephone numbers so that school 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 line 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 daily (if applicable).
14. Lead by example and conduct themselves in a courteous, respectful manner.
15. Model behavior that is free from harassment, bullying, cyberbullying, and discrimination.

16. Report instances of harassment, bullying, cyberbullying, or discrimination to the building administrator promptly.
17. Exemplify conduct that fosters civility, kindness, and acceptance toward all people.

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. Maintain confidentiality when discussing student programming, according to Summit policies
4. Ensure that goals and annual objectives are targeted, and progress is monitored during the year.
5. Provide appropriate methods and support to help students learn to manage their behavior.
6. Know school policies, rules, and this code and enforce them fairly and consistently.
7. Communicate expectations to students and parents for student performance and classroom conduct.
8. Communicate regularly with parents and other staff members concerning student achievement.
9. Know the school's emergency and security procedures and assist in their implementation as appropriate.
10. Build a stable relationship with students and their parents.
11. Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
12. Model behavior that is free from harassment, bullying, cyber bullying, and discrimination.
13. Maintain an educational environment that is free from harassment, bullying, cyber bullying, and discrimination.
14. Promptly report to the building administrator instances of harassment, bullying, cyber bullying, or discrimination that they witness.

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 can communicate regularly with them and approach them with concerns.
3. Regularly evaluate all instructional programs.
4. Support the development of, and student participation in, appropriate school activities.
5. Enforce the Code of Conduct, conduct investigations related to the code of conduct with the Quality Assurance Department, and ensure that all cases are resolved promptly and fairly.
6. Lead by example and conduct themselves in a courteous, respectful, and professional manner that fosters civility, kindness, and acceptance towards all people.
7. Know school policies and rules and enforce them in a fair and consistent manner.

8. Inform all essential partners, when appropriate, of disciplinary problems and disciplinary measures taken to modify misbehavior, and maintain fairness, reasonableness, and consistency.
9. Maintain an educational environment that is free from harassment, bullying, cyber bullying, and discrimination.
10. Model behavior that is free from harassment, bullying, cyber bullying, and discrimination.
11. Investigate reported instances of harassment, bullying, cyber bullying, or discrimination promptly.

IV. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The following are not intended to be all-inclusive.

Summit Academy is committed to safeguarding 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, beneficial school activities regardless of a disability diagnosis, race, color, creed, national origin, religion, biological gender, gender expression, immigration status 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 crisis procedures that may require 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 by individuals outside of school. 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.

Summit will investigate any school personnel who are accused of potential abuse of students and make a formal report to the police and to the State Education Department if there is a reasonable suspicion that abuse occurred, as outlined in Summit's policy.

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, and gender.

If a student feels as if they are being discriminated against and/or harassed by a fellow peer and/or Summit Center employee they should inform, Classroom Staff and/or Assistant Principal/Principal and/or Educational Coordinators. With assistance from school staff, the student may complete and submit a DASA Complaint form to school administration. If a student informs their parent of these concerns, the parent can assist them in completing the form, or complete it on their behalf. Disciplinary action, when necessary, will be firm, fair and consistent.

Dignity for all Student Act (DASA) Coordinator

Summit's DASA Coordinator is expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.
2. Participate in required training 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 Student Act.
4. Accept reports regarding violations and conduct investigations as appropriate.

VI. STUDENT DRESS CODE

Students are expected to be neat, clean, and well-groomed for their school day. Students and their parents are primarily responsible 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 that promotes safety and belonging. Students may dress in any style they desire and present themselves consistent with their identity.

A. Clothing

1. Clothing must fit appropriately and be safe for school activities
2. Clothing must not contain graphics or words/slogans that are suggestive, promote violence, or denigrate others, or encourage/endorse illegal activities.
3. 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 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 this way, students must change into an alternate, approved type of footwear during the school day.

C. Adapted 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 must wear non-skid athletic shoes in adapted physical education class.

D. Changes of Clothing

For students who may require a change in clothing, e.g., toileting accidents, parents must 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 engage in:

A. Disorderly conduct

Examples of disorderly conduct include:

1. Leaving an educational area without permission.
2. Using language or gestures that are profane, lewd, vulgar, abusive, offensive, racist, 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 cell phones, personal listening devices, or other electronic devices except when expressly permitted.

B. Academic misconduct

Examples of academic misconduct include:

1. Cheating
2. Copying
3. Forgery

C. Violent conduct

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. Conduct that endangers others

Examples of conduct that endangers the safety, morals, health, or welfare of others 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 or possession of tobacco or cannabis 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.
11. Sexual activity-including inappropriate behavior of a sexual nature, such as indecent exposure, forcible or consensual sexual contact, sexual intercourse, oral sex, or possession of sexually explicit material of any kind on school property, on a school bus, or at a school function.

E. Misconduct on the 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 must behave on the bus consistent with established standards for classroom behavior.

F. Engage in cyberbullying

Cyberbullying includes using technology to harass, bully, discriminate, tease, intimidate, or threaten another student or staff. Cyberbullying may occur on or off school property and may or may not involve use of school owned technology. Cyberbullying may include, but is not limited to, sending or posting inappropriate or derogatory e-mails, texts, pictures, images or website content which:

1. physically, emotionally, or mentally harms someone, or
2. places someone in reasonable fear of physical, emotional, or mental harm, or damage or loss to personal property, or
3. creates an intimidating or hostile environment that interferes with education, or
4. creates or foreseeably creates a risk of substantial disruption within the school environment

VIII. 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 authorized to impose disciplinary sanctions are expected to do so promptly, fairly, and lawfully. 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 affect the order or security of a school as soon as practical, but before the close of school 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.

Extreme Risk Protection Orders (ERPO)

Summit's Principal or designee should file an extreme risk protection order in cases where a student has a known firearm, or there is reason to believe the student has access to a firearm, and the student presents with:

1. substantial risk of physical harm to themselves as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that they are dangerous to themselves, or
2. a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

The Principal must present supporting documentation for the application and may disclose confidential information. Only the minimum amount of information should be disclosed to complete the application. The principal (the petitioner) needs to complete 3 forms:

1. The ERPO application form
2. The ERPO fee waiver form
3. The Request for Judicial intervention form

These forms must be notarized and taken to the supreme court of the county in which the student (the respondent) resides. If the court is closed at night or weekends, the principal will call 800-430-8457 or email: emergency@nycourts.gov.

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

Summit staff are 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 are typically managed with simple verbal reminders, such as a reminder to follow directions or finish their work, teaching of adaptive skills, and/or use of effective classroom management strategies such as reinforcement for desired behavior. When behavior problems become frequent or more severe and cannot be managed with the classroom behavior plan, the staff (with parent involvement and school district approval) complete a careful assessment of the problem (called a Functional Behavioral Assessment), develop an individual plan (called a Behavior Intervention 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 they need 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 them 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 uses two crisis management approaches. One is Ukeru- which is a trauma-based crisis

intervention package, and the second 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 direct care staff and their supervisors in the appropriate use of SCIP-R techniques. Summit contracts with Grafton to refresh training of Summit's Ukeru instructors.

Both Ukeru and SCIP-R emphasize 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 their behavior are important parts of both approaches.

As part of Ukeru, staff are taught to back away, attempt to deescalate, and block student behaviors that are a danger to self or others. Blocking pads are used for this purpose. In cases where Ukeru cannot be implemented or is not effective, staff will move to using SCIP-R. 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 themselves or others and/or is engaged in severe property damage that poses a danger to themselves or others. SCIP-R techniques include ways to successfully escort the student and various methods of physical containment or restraint to maintain safety. In the most extraordinary circumstances, a student may be removed from the classroom and escorted to one of our environmental timeout (ETO) rooms or a general timeout space. ETO rooms are small rooms, devoid of toys and materials, which 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. 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 Principal. Parents are notified whenever any type of SCIP-R restraint or timeout is implemented.

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 violate 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.

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 (including in-school, short-term and long-term) - Principal

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 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 themselves 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 toward meeting the goals set out in the student's IEP and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications.

2. SHORT TERM (5 days or less) SUSPENSION FROM SCHOOL

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

The Summit Academy Principal or designee 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 24 hours. If an Individualized Behavior Plan is not in place for a student who has been suspended, Summit staff will conduct a Functional Behavioral Assessment (FBA) and develop a Behavior Intervention Plan (BIP) as soon as the student returns to school. If the student has a BIP, a full review of the plan will be conducted upon the student's return to school. If a student is suspended, Summit personnel will coordinate with the district to determine how educational programming will be delivered throughout the suspension.

3. LONG-TERM OR FORMAL SUSPENSIONS (more than 5 days from school)

- a. The Summit Academy Principal or designee may suspend a student with a disability for up to 10 days, after formal consultation with the President, and/or CEO and after a disciplinary hearing conducted in conformity with the student's due process rights.
- b. The Summit Academy Principal and/or President 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.
- c. Summit's CEO or President 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 pocketknife 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.
- d. 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 their current educational placement is substantially likely to result in injury to the student or others.

C. Change of Placement Rule

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.

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.

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 to punish them. Corporal punishment of any student by any Summit employee or volunteer is **prohibited**.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot be used, reasonable physical force (i.e., restraint) may be used to protect oneself, another student, teacher, or any person from physical injury.

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 and will notify their parents as soon as possible.

The Summit Principal, Coordinator 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.

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. Also, body checks may be conducted for injured students 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. Parents will be notified. If a body check is unable to be completed at school, school personnel will notify parents so that a body check may be completed at home.

D. Documentation of Searches

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

XII. VISITORS TO OUR SCHOOL BUILDINGS

Summit allows 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 Chief Executive Officer and their designee are 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 is 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 issued a visitor's identification badge, which must be visibly worn while in the school or on school grounds. The visitor must return the identification badge to the reception desk and sign out upon leaving the building.
3. Visitors attending school functions open to the public, such as open houses or public gatherings, are not required to register.
4. Parents or other authorized visitors who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Unit Directors/Assistant Principals or Principal, so that class disruption is kept to a minimum.
5. Teachers must not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Chief Executive Officer or their 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 based on respect that is conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on school property and at school functions. For 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 behave respectfully and orderly. In addition, all persons on school property or attending a school function are expected to be properly attired.

A. Prohibited Conduct

Prohibited conduct includes but is not limited to:

1. Injuring any person or threatening to do so.
2. Damaging or destroying Summit property or the personal property of anyone lawfully on school property or threatening to do so.
3. Disrupting the orderly conduct of classes, school programs, or other school activities.

4. Engaging in interactions that are disrespectful to other parents, staff, or students including yelling, name calling, or mocking
5. Distributing or wearing 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.
6. Intimidating, harassing, or discriminating against anyone based on race, color, weight, ethnic group, national origin, religion, age, socio-economic status, disability, gender, or sexual orientation.
7. Entering or remaining in any portion of the school premises without authorization or remaining in any building or facility after it is normally closed.
8. Obstructing the free movement of any person in any place to which this code applies.
9. Violating the traffic laws, parking regulations or other restrictions on vehicles.
10. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages, cannabis (i.e, marijuana), controlled substances, or being under the influence of either, on school property or at a school function (except as allowed by law and authorized by Summit).
11. Possessing or using weapons on school property or at a school function, except in the case of law enforcement officers.
12. Loitering on or about school property.
13. Gambling on school property or at school functions (except as allowed by law).
14. Refusing to comply promptly with any reasonable request of Summit personnel.
15. Inciting others to commit any of the acts prohibited by this code.
16. Violating any federal or state statute, local ordinance, or Summit policy while on school property or while at a school function.
17. Using language or gestures that are profane, lewd, vulgar or abusive, offensive or racist.
18. Smoking or use other tobacco or nicotine-containing products, or cannabis (i.e., marijuana) except nicotine-cessation products, on school property or at school functions.
19. Violating Summit's Acceptable Use of Technology policies and procedures.

B. Consequences

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

1. Visitors will be directed to leave the premises. If they refuse to leave, they will be removed by local law enforcement authorities.
2. Students will be subject to disciplinary action as outlined in this Code.
3. Staff members will be subject to Summit's progressive disciplinary system.

C. Enforcement

The Chief Executive Officer or their designee shall be responsible for enforcing the conduct required by this code.

When the Chief Executive Officer or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the Chief Executive Officer or their designee shall tell the individual that the conduct is prohibited and tell them 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 individual will be removed immediately from school property or the school function. Local law enforcement will be contacted to assist in removing the person as needed. 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. Posting the Code on Summit's website
2. Posting a link to the Code in the Parent Handbook and reminding families of the Code at Open House.
3. Making copies of the Code available for review by students, parents and other community members as requested.
4. Providing all current teachers and other staff members with the link to the code and a copy of any amendments of the code as soon as practicable after adoption. Discussion regarding this Code of Conduct will be provided to employees annually.
5. Sharing the link to the Code of Conduct with all new staff upon hire.

Summit Academy Administration will review this Code of Conduct at least every three 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 the types of legal gambling activities allowed by organizations.
- Chapter 482 of the Laws of 2010: The Dignity for all Students Act
- NYS Civil Practice Law section 6340 Article 63 – Extreme Risk Protection Act
- Education Law Section 11[7]

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 – Interim Alternative Educational Setting

IEP - Individual Education Plan

OPWDD – Office of People with Developmental Disabilities

PIT – Personal Intervention Techniques

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