

# **CODE OF CONDUCT 2019-2020**

<b>I.</b>	<b>DEFINITIONS</b>	<b>2</b>
<b>II.</b>	<b>STUDENT RIGHTS AND RESPONSIBILITIES</b>	<b>4</b>
<b>III.</b>	<b>ESSENTIAL PARTNERS</b>	<b>6</b>
<b>IV.</b>	<b>DRESS CODE GUIDELINES</b>	<b>11</b>
<b>V.</b>	<b>ACCEPTABLE USE GUIDELINES</b>	<b>11</b>
<b>VI.</b>	<b>PROHIBITED STUDENT CONDUCT</b>	<b>12</b>
<b>VII.</b>	<b>REPORTING VIOLATIONS</b>	<b>15</b>
<b>VIII.</b>	<b>DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS</b>	<b>16</b>
<b>IX.</b>	<b>ALTERNATIVE INSTRUCTION</b>	<b>19</b>
<b>X.</b>	<b>DISCIPLINE OF STUDENTS WITH DISABILITIES</b>	<b>19</b>
<b>XI.</b>	<b>CORPORAL PUNISHMENT</b>	<b>22</b>
<b>XII.</b>	<b>STUDENT SEARCHES AND INTERROGATION</b>	<b>22</b>
<b>XIII.</b>	<b>VISITORS TO THE SCHOOLS</b>	<b>26</b>
<b>XIV.</b>	<b>PUBLIC CONDUCT ON SCHOOL PROPERTY AND AT SCHOOL EVENTS</b>	<b>27</b>
<b>XV.</b>	<b>DISSEMINATION AND REVIEW OF CODE OF CONDUCT</b>	<b>29</b>

## I. Definitions

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

- a. "Disruptive student" means a middle or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
  - b. "Parent" means parent, guardian or person in parental relation to a student.
  - c. "School employee" means any person receiving compensation from the Norman Howard School
  - d. "School event" means any school-sponsored or school authorized extra-curricular event or activity on or off school property.
  - e. "Off campus misconduct" means any activity that endangers the health and safety of students or staff within the school or can reasonably be forecast to substantially disrupt the educational process.
  - f. "Violent student" means a student under the age of 21 who:
    - i. Commits an act of violence upon a school employee, or attempts to do so.
    - ii. Commits, while on school property or at a school event, an act of violence upon another student or any other person lawfully on school property or at the school event, or attempts to do so.
    - iii. Possesses, while on school property or at a school event, a firearm or weapon.
    - iv. Displays, while on school property or at a school event, what appears to be a firearm or weapon.
    - v. Threatens, while on school property or at a school event, to use a firearm or weapon or cause bodily harm or death.
    - vi. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school event.
    - vii. Knowingly and intentionally damages or destroys school property.
- "Bullying" means a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. When the term "bullying" is used, even if not explicitly stated, such term includes cyber bullying, meaning such harassment or bullying that occurs through any form of electronic communication.
  - "*Weapon*" means, including but not limited to firearm, air gun, BB gun, dagger, dirk, razor, switchblade knife, gravity knife, brass knuckles, metal knuckle knife, slingshot, box cutter, utility knife, cane sword, Kung Fu star, or other Martial Arts instruments, electronic stun gun, pepper spray or other noxious spray, a weapon (device, instrument, animate or inanimate, that is used for, or is readily capable of causing physical injury or death) when used to cause physical injury or death, knife with any length blade, knife, pocket knife, or multi-tool with any length blade. A weapon includes a "dangerous weapon" 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 [see 18 USC § 930 (g) (2); New York Penal Law § 265.01].

- “Firearm” means a firearm as defined in USC §921 any instrument (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. Included but not limited to a gun, rocket with propellant charge of more than 4 oz., missile, pistol, revolver, shotgun, rifle, machine gun, bomb, mine, grenade, disguised gun, silencer or firearm muffler, explosive or incendiary or poison gas, or electric dart gun.
- “Discrimination” and “harassment” and “emotional harm” means an act against any student, by employees or students on school property or at a school event, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe nature that:
  - a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  - b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.
- "Material Incident of Discrimination and/or Harassment" means a single verified incident or a series of verified related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school event that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:
  - a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
  - b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- “Sexual harassment” is defined as unwelcomed sexual advances, requests for sexual favors, and any words, actions or dress that makes you feel uncomfortable. This includes obscene pictures, lewd jokes, sexual advances, request for sexual favors, harassing activities of a sexual nature that create an intimidating, hostile or offensive environment that interferes with a course of study, educational or extracurricular activity or one’s ability to learn or perform their job.
- "Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily event or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

- “Sex” means the biological and physiological characteristics that define men and women.
- “Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.
- “Gender” means actual or perceived sex and shall include a person’s gender identity or expression.
- “Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- “Gender identity” is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- “Race” means a group of persons related by common descent or heredity. The U.S. Census Bureau uses terms such as: “White/Caucasian”, “Black/African American/African-descent”, “Asian”, “Bi-racial”, “Hispanic/Latinos” etc. to describe and classify the inhabitants of the United States.
- “Color” refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- “Weight” refers to a person’s size.
- “National origin” means a person’s country of birth or ancestor’s country of birth.
- “Ethnic group” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion or ideology that stresses ancestry.
- “Religion” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
- “Religious practice” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, etc.

## **II. Student Rights and Responsibilities**

### **A. Student Rights**

The Norman Howard School is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Attend school, use school properties and take part in all activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, gender expression, gender identity, national origin, ethnic group, political affiliation, age, marital status, weight or disability.
2. Expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.

3. Be respected as an individual.
4. Express one's opinions verbally or in writing.
5. Dress in such a way as to express one's personality in accordance with the dress code.
6. Be afforded equal and appropriate educational opportunities.
7. Have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
8. Be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, gender expression, gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event or activity.
9. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
10. Access school policies, regulations and rules, and when necessary, receive an explanation of those from school personnel.

## **B. Student Responsibilities**

### **All students have the responsibility to:**

1. Contribute to maintaining a safe, supportive, orderly, and clean school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all school policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused.
4. Be on time, treat all others with respect, be prepared to learn, and cooperative.
5. Work to the best of their ability, understanding their own strengths and needs, in all academic and extracurricular pursuits and strive toward their highest level of achievement, as well as being fair and supportive of others.
6. Work to develop mechanisms to develop self-discipline and self-control and manage their anger.
7. Ask questions in a respectful fashion, when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately in accordance with the dress code for school and school events recognizing that the school is a place for learning and work.
10. Accept responsibility for their actions. If a pattern of behavior emerges that impedes the student's learning, the Norman Howard School may elect to conduct a

functional behavioral assessment and initiate a behavioral intervention plan.

11. Conduct themselves as representatives of NHS when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Maintain a healthy lifestyle conducive to learning and to their own well-being.
13. Know the state standards and work toward them.
14. Express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.
15. Be aware of available educational programs in order to use and develop one's capabilities to their maximum.
16. Be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
17. To respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

### **III. Essential Partners**

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

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the Norman Howard School to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn, well-rested, well-nourished, with necessary supplies.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are legally excused.
5. Ensure their children be dressed and groomed in a manner consistent with the student dress code, remembering the school is a place for learning and work.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe and orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a positive attitude toward education, NHS, and support high academic expectations
9. Build positive relations.

10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Know the standards and graduation requirements for their children.
14. Be responsible for their child's behavior and safety to, at and from the bus stop.
15. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

**B. All faculty are expected to:**

1. Model and maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity, or sex which will strengthen individual's self-concept and promote confidence to learn and be productive.
2. Be prepared to teach the curriculum and to accommodate a variety of learning styles.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, enforce them in a fair and consistent manner.
5. Communicate to students and parents:
  - a) Course standards, objectives and requirements
  - b) Marking/grading procedures
  - c) Assignment deadlines
  - d) Expectations for student behavior in all areas as outlined in the school's PBIS matrix.
  - e) Classroom behavior expectations
  - f) Teach expected behaviors as outlined in the school's PBIS matrix.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
8. Address personal biases that may prevent equal treatment of all on school property or at school events.
9. Act in a manner to build a trusting relationship with essential partners.

10. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
11. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
12. Regularly review with students their educational progress and career plans.
13. Provide information to assist students with career planning.
14. Encourage students to achieve high expectations to benefit from the curriculum and extracurricular programs.
15. Maintain confidentiality in accordance with federal and state law.
16. Make known to students and families the resources in the community that are available to meet their needs.
17. Participate in school-wide efforts to provide adequate supervision on school property and at school events
18. Be familiar with the Code of Conduct.
19. Support a positive attitude to the learning process.
20. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to a building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **C. School Counselors**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation gender, gender expression, gender identity or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.

10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
11. Address personal biases that may prevent equal treatment of all students.

**D. All support staff are expected to:**

1. Model and maintain a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex which will strengthen individual's self-concept and promote confidence to learn and be productive.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the Code of Conduct.
4. Help all understand the NHS' expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision on school property and at school events.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school event.
7. Address personal biases that may prevent equal treatment of all on school property or at school events.
8. Know school policies and rules and enforce them in a fair and consistent manner.
9. Act in a manner to build a trusting relationship with essential partners.
10. Support a positive attitude to the learning process.
11. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**E. All administrators are expected to:**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the administrators and have access to the administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of

civility education in curriculum.

5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school event.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the administrator's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).

**F. The Dignity Act Coordinator is expected to:**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, gender identity or sex.
2. Oversee and coordinate the work of the school level bullying prevention committees (i.e., P.B.I.S.).
3. Identify curricular resources that support infusing civility in classroom instruction and provide guidance to staff as to how to access and implement those resources.
4. Be responsible for monitoring and reporting on the effectiveness of the NHS' bullying prevention policy.
5. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school event.
6. Address personal biases that may prevent equal treatment of all students and staff.

## IV. Dress Code Guidelines

The responsibility for the dress and appearance of individuals shall rest with the individual. They have the right to determine how they dress within the constraints of the NHS dress code, provided that such attire complies with requirements for health and safety, does not interfere with the educational process, or impose on the rights of others and are not destructive to school property.

An individual's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process
2. Recognize that extremely brief garments that reveal or expose skin between upper chest and mid-thigh or expose undergarments are not appropriate.
3. Include footwear at all times.
4. Not include items that are perceived to be vulgar, obscene, and/or offensive others because of race, color, religion, creed, national origin, gender, gender expression, gender identity, sexual orientation or disability.
5. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
6. Not include jewelry in physical education classes, in athletic programs, or in technology or science labs for safety reasons.

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

## V. Acceptable Use Guidelines

Technology access furthers the goals and objectives to meet the New York State and Common Core Learning Standards. The benefits for student access to the Internet and/or computer resources far outweighs any potential risk, however, it should be understood that some sites might contain information that is inappropriate, pornographic, defamatory, inaccurate, or potentially offensive to some users. However, everyone should be aware that students who have Internet access may (potentially) inadvertently or deliberately encounter unacceptable resources.

The Norman Howard school believes strongly in promoting the acceptable or appropriate use of technology. All students must follow the expectations listed in the NHS tech-spectations & Acceptable Use contracts to promote acceptable or appropriate use of the Internet and computer resources whether accessed on school grounds or remotely.

The Norman Howard School reserves the right to access and view any material stored on school equipment or any material used in conjunction with the school's computer network.

The Norman Howard School reserves the right to monitor all Internet activity by users of the school's network. Any violation of the foregoing guidelines or inappropriate use will be treated as a violation of the Student Code of Conduct, and shall be handled accordingly. Any violation may also result in the loss of privileges (i.e., Internet, network access, device access, etc.). The Norman Howard School may notify the appropriate legal authorities if there is suspicion of illegal activities. The Norman Howard School shall determine whether student conduct constitutes a violation of the guidelines and that decision shall be final.

The Norman Howard School makes no warranties of any kind, whether express or implied, for the technology services it is providing. The Norman Howard School shall not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or a user's errors or omissions. Use of any information obtained via the Internet is at the users own risk. The Norman Howard School specifically denies any responsibility for the accuracy or quality of information obtained through its services.

## **VI. Prohibited Student Conduct**

The Norman Howard School expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, school personnel and other members of the school community, and for the care of school facilities, equipment and property. The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self- discipline.

The Norman Howard School recognizes the need to make its expectations for student conduct while on school property or engaged in a school event specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school, when they:

**A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:**

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that is profane, lewd, vulgar or abusive.
4. Engaging in any willful act which disrupts the normal operation of the school.
5. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
6. Computer/electronic communications misuse, including any unauthorized use of computers, electronic handheld devices, software, or internet/intranet account; accessing inappropriate websites; or any violation of the school's acceptable use agreement for students.

**B. Engage in any conduct that endangers the safety, physical or mental health, morals or welfare of self and/or others.**

**Examples of such conduct including, but are not limited to:**

1. Opening or propping a locked door to allow others to enter the school building.
2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school event.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

4. Willfully reporting false information to a student, teacher, administrator, other school employee, or any other person lawfully on school property or at a school event that endangers the safety, morals, health or welfare of others.
5. Discrimination which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender, gender expression, gender identity, sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
6. Harassment, which includes a sufficiently severe action or persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing and demeaning. Harassment is also the creation of a hostile environment.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.
8. "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
9. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
10. Selling, using, possessing or distributing obscene material.
11. Using vulgar or abusive language, cursing or swearing in a threatening manner that intimidates an individual or group.
12. Possessing, smoking, using or distributing cigarettes, cigars, pipes, smokeless tobacco or any product containing nicotine or tobacco.
13. Possessing, consuming, buying, selling, distributing or exchanging electronic cigarettes or vapes, materials for use in electronic cigarettes or vapes, alcoholic beverages, illegal substances or drug paraphernalia, or being under the influence of any of the aforementioned items. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, mood altering substances, bath salts, incense, herbal mixtures and any substances commonly referred to as "designer drugs."
14. Inappropriately using, selling or distributing prescription or over-the-counter drugs or possessing a prescription drug without a prescription.
15. Gambling.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
17. Inappropriate physical contact or display of affection.
18. Initiating a verbal or written warning of fire or other catastrophe, or bomb threat without valid cause, misuse of 911, or discharging a fire extinguisher.

19. Assisting others in prohibited conduct or serving as a "look-out."
20. Electronic recording (audio or images) any individual or group without permission that causes harm directly or indirectly.

**C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:**

1. Failing to comply with the reasonable directions of teachers, school administrators, or other school personnel in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving school without permission.
3. Skipping detention.
4. Failing to comply with the expectations and provisions contained in the Norman Hoard School Code of Conduct.

**D. Engage in behavior that is violent. Examples of violent behavior include, but are not limited to:**

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student, teacher, administrator, other school employee, or any other person lawfully on school property or at a school event, or attempting to do so.
2. Threatening (direct or indirect) to commit an act of violence upon another student, teacher, administrator, other school employee, or any other person lawfully on school property, at a school event or in the commission of one's duties as an employee of NHS.
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
4. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school event.
5. Threatening to use or displaying what appears to be a weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school employee or any person lawfully on school property or at a school event, including graffiti or arson.
7. Intentionally damaging or destroying school property.

**E. Engage in any behavior that is disruptive. Examples of disruptive behavior include but are not limited to:**

1. Disrupting or preventing the peaceful and orderly operation of the school program.
2. Unauthorized driving to and parking of cars/trucks/vans/motorcycles on school grounds

without permission and a parking permit during school hours.

3. Display or use of electronic communication devices (including, but not limited to pagers, cell phones, and electronic media devices) during the instructional school day, or during an emergency (including, but not limited to a lockdown, fire drill, or bus accident), unless authorized by school personnel (e.g., “bring-your-own-device”).
4. Possess beverages (juices, water, soda, coffee, etc.) or food in any area of the school outside of the cafeteria without authorization by school personnel.
5. Engage in unauthorized solicitation of money (i.e., non-sanctioned fund raising, pressure borrowing).
6. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
  - a) Plagiarism – stealing or taking credit for another person’s words or ideas; using another person’s work without crediting the source
  - b) Cheating – violating academic rules through dishonesty or deception; using unauthorized resources to complete an assignment or test, or to provide unauthorized assistance to another student.
  - c) Copying.
  - d) Altering records.
  - e) Assisting another student in any of the above actions.
7. Bringing loaded or blank cartridges or ammunition onto school property.
8. Bringing a lighter or matches to school.

**F. Engages in off-campus conduct that interferes with, or can reasonably be expected to substantially disrupt, the educational process in the school, on school property or at a school event. Examples of such conduct include, but are not limited to:**

1. Cyber bullying (i.e., inflicting willful and repeated harm through the use of electronic text).
2. Threatening or harassing students or school personnel over the phone or other electronic medium.

## **VII. Reporting Violations**

All students are expected to promptly report violations of the code of conduct to a teacher, school counselor, staff member or the school administrator. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school event shall report this information immediately to a teacher or school administrator. All staff members are obligated to report a violent student to the school administrator.

All school staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff 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 to the parent of the student involved and the appropriate disciplinary

sanction if warranted, which may include suspension and referral for prosecution. The school administrator must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of school or school event as soon as practical, but in no event later than the close of business the day the administrator or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

The reporting of prohibited student conduct is a shared responsibility by all members of the school. Students may be expected to have a conference with their teacher, and/or administrator when they have violated the code of conduct. Parents can expect notification from either the teacher or administrator in most cases. In some instances, conferences will be scheduled including the student, teacher, parent(s), and administrator. Additionally, some violations of the code of conduct may be reported to support law enforcement agencies within the community.

## **VIII. Disciplinary Penalties, Procedures and Referrals**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. Fairness means that all students will be held accountable for all aspects of student conduct and will be afforded "due process" as defined in this document. Consistency is defined as the school's process of addressing all instances of misconduct in a firm and fair manner.

In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

A student identified, as having a disability shall not be disciplined for behavior related to his/her disability. Discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

### **A. Penalties**

Students who are found to have violated the code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the staff

2. Written warning –school counselors, teachers, teaching assistants, school administrator
3. Written notification to parent – school administrator
4. Detention – school administrator
5. Suspension from social or extracurricular activities – activity advisor/director, school administrator
6. Suspension of other privileges – school administrator
7. In-school suspension – school administrator
8. Removal from classroom by teacher – teachers, school counselors, school administrator
9. Short-term (five days or less) suspension from school – school administrator
10. Long-term (more than five days) suspension from school – student’s home district for district placed students
11. Permanent suspension from school – student’s home district for district placed students

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### **Detention**

School administrator may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty provided there are no parental objections after notification, and the student has appropriate transportation home.

### **Suspension from, extra-curricular activities and other privileges**

Activity directors, and school administrators may suspend a student from extracurricular activities, or suspend other privileges. A student subjected to a suspension from extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the person imposing the suspension to discuss the conduct and the penalty involved.

### **In-school suspension**

The Norman Howard School recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, NHS authorizes school administrators to place students who would otherwise be suspended from school as the result of a code of conduct violation in “in-school suspension.”

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the school administrator imposing the in-school suspension to discuss the conduct and the penalty involved.

### **Teacher removal of disruptive students**

A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure by taking a quick walk, or getting a drink of water.. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

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

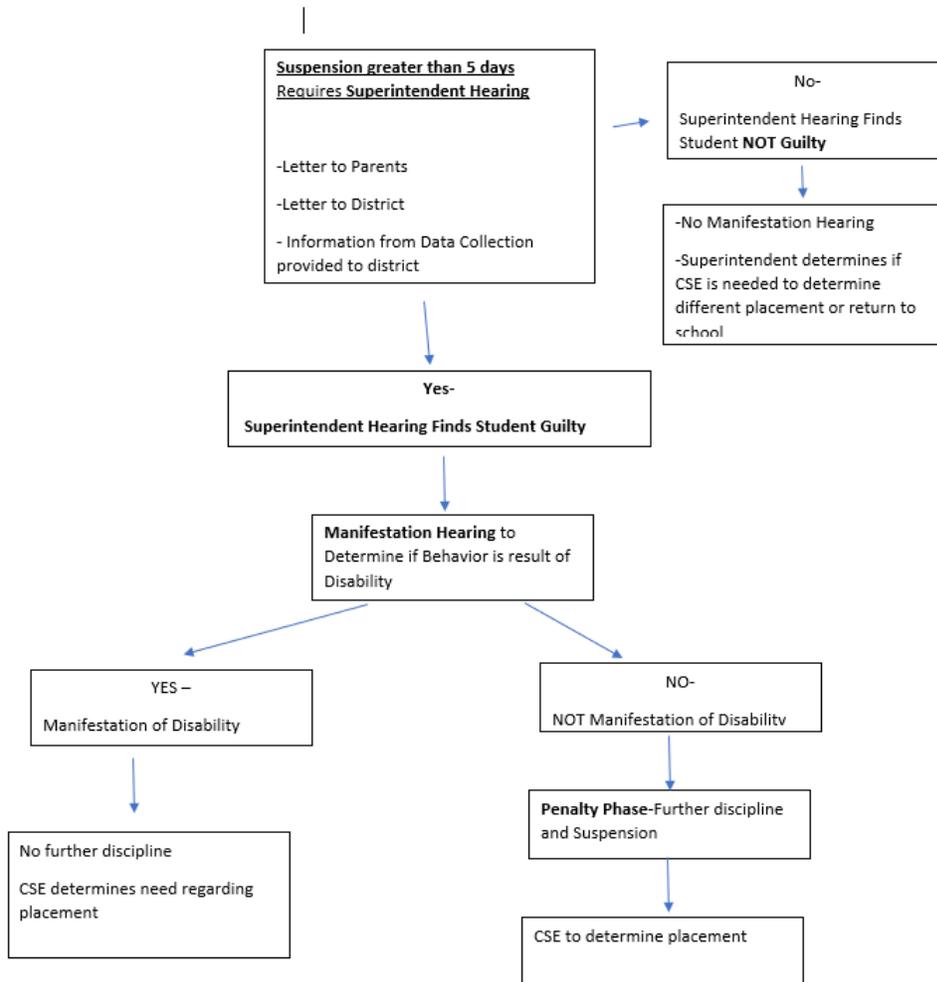
## **Out of school Suspension Policy and Procedures**

The Norman Howard School reserves the right to suspend a student who is insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The discipline penalty is proportionate to the severity of the offense involved.

Prior to the suspension, The Norman Howard School gives the student notice of the charged misconduct. If the student denies the misconduct, the student must be provided with an explanation of the basis for the suspension.

Additionally, the Norman Howard School gives the student, his/her family, and the student’s home district immediate written notice of the proposed suspension, a description of the incident and an informal conference with the building administrator.

Should the student require a suspension longer than 5 days, a superintendent’s hearing would be necessary with the student’s home district. The process for a long-term suspension is mapped below.



**IX. Alternative Instruction**

The Norman Howard School will work to setup up alternative instruction with the student’s home district.

**X. Discipline of Students with Disabilities**

Therefore, the Board is committed to ensuring that the school follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

**Definitions**

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

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

2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
4. *Interim Alternative Educational Setting (IAES)* means a temporary educational placement
5. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
6. *School day* means any day, including a partial day, that students are in attendance at school for instructional purposes.
7. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
8. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the school is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
9. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
10. *Weapon* means, including but not limited to firearm, air gun, BB gun, dagger, dirk, razor, switchblade knife, gravity knife, brass knuckles, metal knuckle knife, slingshot, box cutter, utility knife, cane sword, Kung Fu star, or other Martial Arts instruments, electronic stun gun, pepper spray or other noxious spray, a weapon (device, instrument, animate or inanimate, that is used for, or is readily capable of causing physical injury or death) when used to cause physical injury or death, knife with any length blade, knife, pocket knife, or multi-tool with any length blade. A weapon includes a "dangerous weapon" 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 [see 18 USC § 930 (g) (2); New York Penal Law § 265.01].

Interim alternative educational setting or IAES would be coordinated with a student's home district. IAES is a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. A student who is placed in an IAES shall:

(1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and

(2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(l) Removal means: (1) a removal of a student with a disability for disciplinary reasons from that student's current educational placement, other than a suspension as defined in subdivision (r) of this section; and

(2) the change in placement of a student with a disability to an IAES by an impartial hearing officer pursuant to section 201.8 of this Part. Such term shall also include the change of placement of a student with a disability to an IAES pursuant to section 201.7(e) of this Part made in conjunction with a suspension.

## Goal progression during suspensions

The Norman Howard school would work with the home district to setup a plan to monitor the student's goals.

### **A. Students Presumed to Have a Disability for Discipline Purposes**

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the school is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

If it is claimed that the school had such knowledge, it will be the responsibility of the school official imposing the suspension or removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The school will be deemed to have had such knowledge if:

1. The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. The student's parent has requested an evaluation of the student; or
3. A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the school's director of education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the school's receipt of information supporting a claim that it had knowledge the student has a disability,

1. The student's parent has not allowed an evaluation of the student; or
2. The student's parent has refused services; or
3. The school conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the school receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the school will request (from the home district) an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed,

the student shall remain in the educational placement determined by the school which can include suspension.

### **B. Referral to Law Enforcement and Judicial Authorities**

Consistent with its authority under applicable law and regulations, NHS will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance,

The school will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

## **XI. Corporal Punishment**

Corporal punishment is defined as an act of physical force upon a student, for the sole purpose of punishing that student, and 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.

All complaints regarding the use of corporal punishment will be reported by the school, with the Commissioner of Education, in accordance with the Commissioner's regulations.

### **Aversive interventions**

The Rules of the Board of Regents and commissioner's regulations prohibit the use of aversive interventions, defined as interventions intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behavior. **(8NYCRR §§ 19.5 (b) (2), 200.1 (111))**

### **Time Out Room**

The Norman Howard School does not have a time-out room.

### **Emergency Interventions**

The Norman Howard School does not use emergency interventions on a day to day basis but does employ staff members that have been trained in Life Space Crisis Interventions & Therapeutic Crisis Intervention.

## **XII. Student Searches and Interrogations**

The Norman Howard School is committed to ensuring an atmosphere on school property and at

school events that is safe and orderly. 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 code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

### **A. Searches**

The Norman Howard School authorizes school administrators to conduct searches of students and their belongings that is minimally intrusive such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. School administrators may also search a student or the student's belongings based upon information received from a reliable informant. Searches will be limited to the extent necessary to locate the evidence sought.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the school code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

#### **1. Student Lockers, Desks, Computers, Textbooks, Materials, Supplies 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 have no reasonable 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 may be subject to search at any time by school officials, without prior notice to students and without their consent.

#### **2. Searches of a Student's Person and/or Belongings**

The authorized school employee may conduct a search of a student's person or belongings when they have reasonable suspicion to believe the student is concealing evidence of a violation of law or the code of conduct. It is noted, however, that as the level of intrusiveness increases, a higher standard of suspicion is required.

If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Searches will be conducted by a staff member of the same sex as the student. Whenever possible, another staff member, also of the same sex, will be present as a witness.

#### *Strip Searches*

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the administrator in consultation with the school attorney. The only exception to this rule

requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have ***reasonable suspicion of danger or a reasonable suspicion that the student has hidden evidence of wrongdoing beneath his or her underwear or probable cause to believe the student is concealing evidence of a violation of law or code.***

In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record, the quality of the knowledge that led to the reasonable suspicion and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

### **3. Treatment of Cell Phones**

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct. Teachers and administrators are permitted to look at the screen of the cell phone. An authorized school employee can request the student's cooperation to search the cell phone further. Without a student's permission, authorized school employees should not undertake a more extensive search until conferring with the school administrator or school attorney for guidance.

### **4. Documentation of Searches**

The authorized school employee initiating the search shall be responsible for recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Type and scope of search.
5. Purpose of search (that is, what item(s) were being sought).
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

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

## **5. Police Involvement in Searches**

Police must have a search warrant or have been invited by the school in order to conduct searches on school property or at a school event or have probable cause to believe a crime has been committed on school property or at a school event. Before police officials are permitted to question or search any student, the administrator or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The administrator or designee will also be present during any police questioning or search of a student on school property or at a school event.

### **B. Interrogations**

#### **1. School employee**

School officials have the right to question students for the reasons including, but not limited to any violation of school rules or code of conduct, and/or illegal activity. School employees are not required to administer "Miranda" warnings or contact parents/guardians before questioning a student.

#### **2. Law Enforcement**

Police officials have limited authority to interview or search students in schools or at school events, or to use school facilities in connection with police work.

Police officials may enter school property or a school event to question or search a student or to conduct a formal investigation involving students only if they have:

- a) search or an arrest warrant; or
- b) have been invited by the school in order to conduct searches on school property or at a school event; or
- c) probable cause to believe a crime has been committed on school property or at a school event.

Before law enforcement officials are permitted to question any student, the school administrator or his or her designee shall first try to notify the student's parents/guardians to give the parent the opportunity to be present during the police questioning. If the student's parents/guardians cannot be contacted prior to the police questioning, the questioning shall not be conducted unless the student is 16 years of age or older. The administrator or designee will also be present during any police questioning of a student on school property or at a school event.

Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal) or the questioning of students concerns a crime committed on school property or at a school event.

Students who are questioned by police officials on school property or at a school event will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.

2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

### **3. Child Protective Services Investigations**

Consistent with the school's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the school will cooperate with local child protective services workers who wish to conduct interviews with students on school property relating to allegations of suspected child abuse and/or maltreatment. Children may be interviewed without a court order or the consent of the parent/guardian when child protective services has determined that circumstances warrant interviewing a student apart from family members or the home where the abuse may have occurred.

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

In addition, upon request, the school will provide access to student records, if any, relevant to the investigation of suspected abuse and/or maltreatment.

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

## **XIII. Visitors to the Schools**

The Norman Howard School recognizes that the success of the school program depends, in part, on support by the larger community. The school wishes to foster a positive climate where members of the NHS families have the opportunity to observe the hard work and accomplishments of the students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The school administrators are responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the office upon arrival at the school. There they will present photo identification, if requested, 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 before leaving the building.

3. Visitors attending school events that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with an administrator and the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are not expected to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property or at a school event will be reported to an administrator. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property and at school events contained in this code of conduct.

## **XIV. Public Conduct on School Property and at School Events**

### **A. Appropriate Conduct**

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

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

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

### **B. Prohibited Conduct**

No person, either alone or with others, shall:

1. Possess, smoke, use or distribute, cigarettes, cigars, pipes, smokeless tobacco or any product containing nicotine or tobacco.
2. Possess, consume, buy, sell, distribute, manufacture or exchange electronic cigarettes or vapes, materials for use in electronic cigarettes or vapes, alcoholic beverages, illegal substances or drug paraphernalia, or being under the influence of any of the aforementioned items. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, mood altering substances, bath salts, incense, herbal mixtures and any substances commonly referred to as "designer drugs."
3. Intentionally injure any person or threaten to do so.
4. Intentionally damage or destroy school property or the personal property of a teacher,

administrator, other employee or any person lawfully on school property or at a school event, including graffiti or arson.

5. Disrupt the orderly conduct of classes, school programs or other school activities.
6. Distribute or wear materials on school grounds or at school events that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
7. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
8. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
9. Obstruct the free movement of any person in any place to which this code applies.
10. Violate the traffic laws, parking regulations or other restrictions on vehicles.
11. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of any of the aforementioned items on school property or at a school event
12. Possess or use weapons in or on school property or at a school event, except in the case of law enforcement officers or except as specifically authorized by the school.
13. Loiter on or about school property.
14. Gamble on school property or at school events.
15. Refuse to comply with any reasonable order of identifiable school officials performing their duties.
16. Willfully incite others to commit any of the acts prohibited by this code.
17. Violate any federal or state statute, local ordinance or school policy while on school property or while at a school event.

### **C. Penalties**

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school event shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty & Staff members. Staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### **D. Enforcement**

The school administrators shall be responsible for enforcing the conduct required by this code. When the school administrators or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the school administrators or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school administrators or 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 school administrators or designee shall have the individual removed immediately from school property or the school event. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The school shall initiate disciplinary action against any student or staff member, as appropriate, with the “Penalties” section above. In addition, the school reserves its right to pursue a civil or criminal legal action against any person violating the code.

## **XV. Dissemination and Review of Code of Conduct**

The Norman Howard School will work to ensure that our NHS community is aware of this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on our website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code of conduct when they are first hired.
6. Making copies of the complete code available for review by students, parents and other community members.

The Norman Howard School will sponsor an in-service education program for all staff members to ensure the effective implementation of the code of conduct. This code of conduct will be reviewed every year and updated as necessary. In conducting the review, NHS will consider how effective the code’s provisions have been and whether the code has been applied fairly and consistently. This review shall be completed annually.