

***HENRY VISCARDI  
SCHOOL***

**CODE OF CONDUCT**

**Code of Conduct**  
**Table of Contents**

	<b>Page</b>
<b>Code of Conduct Introduction</b>	<b>3</b>
<b>Definitions</b>	<b>3</b>
<b>Students Rights and Responsibilities</b>	<b>4</b>
<b>Essential Partners</b>	<b>5</b>
<b>Student Dress Code</b>	<b>6</b>
<b>Expected Student Conduct</b>	<b>7</b>
<b>Reporting Violations</b>	<b>10</b>
<b>Disciplinary Penalties, Procedures and Referrals</b>	<b>11</b>

## **CODE OF CONDUCT INTRODUCTION**

**The Henry Viscardi School 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 personnel, parents and other visitors is essential to achieving this goal.**

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

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

### **DEFINITIONS**

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

**“Disruptive student”** means an elementary or secondary student through the age of 21 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 the teacher’s classroom behavior rules which repeatedly violates this code of conduct.

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

**“School property”** means in or within any building structure, athletic playing field, playground, parking lot or land contained within the real estate property boundary line of a school on the Campus of Abilities or in or on a school bus.

**“School function”** means any school-sponsored extra-curricular event or activity, including but not limited to field trips.

**“Violent student”** means a student through the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so, or threatens violence.

2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so, or threatens violence.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school campus property.
8. Threatens violence against someone or property.

**“Weapon”** means a firearm as defined in 18 USC#92 for purposes, of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

Henry Viscardi School’s goal is to provide an environment in which a student’s rights and freedoms are respected. Henry Viscardi School, therefore, assures students that they shall have all the rights afforded them by federal and state constitutions, statutes and regulations. Henry Viscardi School also recognizes all federal, state and local laws in connection with these rights and reminds students that certain responsibilities accompany these rights.

It shall be the right of each Henry Viscardi School student:

1. to have a safe, healthy and orderly school environment;
2. to take part in all Henry Viscardi School’s activities on an equal basis regardless of race, sex, religion, national origin, or disability;
3. to attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. to have school rules and conditions available for review and, whenever necessary, explanation by school personnel;
5. to be suspended from instruction only after his/her rights pursuant to Education Law 3214 have been observed; and
6. in all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction.

It shall be the responsibility of each student:

1. to be familiar with and abide by all school policies, rules and regulations pertaining to student conduct;
2. to work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible;
3. to conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the school and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
4. to seek help in solving problems that might lead to discipline procedures;
5. to be in regular attendance at school and in class;
6. to contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and to property;
7. to dress in accordance with acceptable HVS standards;
8. to make constructive contributions to the school, and to report fairly the circumstances of school-related issues; and
9. to bring to the attention of the appropriate administrator any action that might be harmful to students, i.e. drug use in buildings, students carrying inappropriate objects (weapons), harassment & bullying/cyberbullying or anything that might cause harm to another student.

**ESSENTIAL PARTNERS** are parents, administrators, and teachers, support services personnel and other school staff help to maintain safe and orderly schools.

A. Parents

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.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the acceptable HVS standards.
6. Help their children understand that appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them.
8. Convey to their children a supportive attitude toward education.
9. Build good relationships with school staff, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school administration 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.

- B. All Henry Viscardi School Staff/Advisors/Volunteers are expected to:
1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
  2. Demonstrate interest in teaching and concern for student achievement.
  3. Know school policies and rules, and enforce them in a fair and consistent manner.

### **STUDENT DRESS CODE**

The responsibility for student dress and general appearance rests with individual students and parents. However, Henry Viscardi School requires students to attend school in appropriate dress that meets health and safety standards and does not interfere with the learning process.

Designated administrative personnel shall have the authority to require a student to change his/her attire should it be deemed inappropriate according to the above guidelines.

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. All staff should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure that underwear is completely covered with outer clothing.
4. Excessive use of strong perfume and cologne is not permitted.
5. Items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability are not permitted.
6. No student shall promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

The Principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year. If a teacher believes that a student's dress is inappropriate, he/she will contact an administrator to seek a determination as to appropriateness of the clothing.

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

an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

## **EXPECTED STUDENT CONDUCT**

Henry Viscardi 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 and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Henry Viscardi 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.

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

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

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include:
  - 1. Running/speeding in hallways.
  - 2. Making unreasonable noise.
  - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
  - 4. Obstructing vehicular or pedestrian traffic.
  - 5. Engaging in any willful act which disrupts the normal operation of the school community.
  - 6. Trespassing. Students are not permitted in any Abilities building without permission from the administrator.
  - 7. Students are not permitted in any unsupervised classroom.
  - 8. Computer/electronic communications, misuse, including cell phones, tape recorders without permission or any unauthorized use of computers, software, or internet/intranet account, accessing inappropriate websites; or any other violations of Henry Viscardi School acceptable use policy. For details, see attached AUP (Acceptable Use Policy).

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include:
1. Failing to comply with the directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
  2. Lateness, missing or leaving school/class without permission.
  3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include:
1. Failing to comply with the directions of teachers, school administrators or other school personnel in charge of students.
  2. Do not touch the property of others without permission, (wheelchair, communication devices, crutches, etc.).
- D. Engage in conduct that is violent. Examples of violent conduct include:
1. Committing an act of violence (such as using your wheelchair or crutches as a weapon, hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee, attempting to do so, or threatening to do so.
  2. Committing an act of violence (such as using your wheelchair or crutches as a weapon, hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property, attempting to do so or threatening to do so.
  3. 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 function.
  4. Display what appears to be a weapon.
  5. Threatening to use any weapon.
  6. Intentionally damaging or destroying the personal property/equipment, including graffiti or arson, of a student, teacher, administrator, other employee or any person lawfully on school property.
  7. Intentionally damaging or destroying school property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include:
1. Lying to school personnel or any form of forgery.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or damaging 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. Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.

5. Harassment/Bullying, which includes the creation of a hostile environment by conduct or by threats, intimidation or abuse that has or could have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being or reasonably causes or would be expected to cause a student to fear for his/her physical safety, physical injury or emotional harm.
  6. Bullying/Cyberbullying, that is, harassment or bullying that occurs through electronic communications including, but not limited to, text/picture messages, social media messages (i.e. Facebook), sexting, outing, or posting pictures online or creating a web site about someone else.
  7. 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.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  12. Inappropriately using or sharing prescription and over-the-counter drugs.
  13. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indescient manner.
  14. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
  15. Unsafe use of wheelchairs, such as speeding, etc.
  16. Cell phones are **not allowed** to be used in the building during the school day (8:30 AM – 3:15 PM). Use of cell phones for calls, text messaging, videos, photos is **prohibited** unless authorized by HVS personnel.
- F. Engage in misconduct while on a school bus. The bus is considered an extension of the school domain. Therefore, all rules in the code of conduct apply to students on the school bus. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting and/or any other inappropriate behaviors will not be tolerated.

- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
1. Plagiarism
  2. Cheating
  3. Copying
  4. Altering records
  5. Assisting another student in any of the above actions

### **REPORTING VIOLATIONS**

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Principal or his or her designee. Any student 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 teacher, the Principal, the Principal’s designee or school personnel.

#### **Reporting Incidents of Discrimination, Harassment and Bullying**

Students who have been bullied, harassed or discriminated against, parents whose children have been bullied, harassed or discriminated against, or other students or staff who observe bullying, harassing or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel, including one of the Dignity Act Coordinators.

#### **Dignity Act Coordinator Contact Information**

<b>Name</b>	<b>Contact Information</b>
Monica Adams	516-465-1698
Jessica Kammerer	516-465-1684
Angelo Zegarelli	516-465-1695
Jessica Caggiano	516-465-1681

All Henry Viscardi School staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. School 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, followed by notification to the parent of the student involved and the appropriate disciplinary sanction as referred to by the law.

The Principal or his/her designee shall notify the appropriate local law enforcement agency of those code violations that constitute a crime pursuant to New York penal law and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or his/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.

## **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. 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. 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.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and 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 student identified as having a disability shall not be disciplined for behavior related to his/her disability.

### **A. Penalties**

Students who are found to have violated the school's 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 school staff
2. Written warning – teachers, principal, and other administrators
3. Written notification to parent – teachers, principals, and other administrators
4. Detention – teachers, principals, and other administrators

5. Suspension from transportation – transportation supervisor, principal, and other administrators
6. Suspension from athletic participation – principal and other administrators
7. Suspension from social or extracurricular activities – teacher, club advisor, coach, principals, and other administrators
8. Suspension of other privileges – principal and other administrators
9. In-school suspension – administrators
10. Removal from classroom – teacher, principal, and other administrators
11. Short-term (five days or less) suspension from school – Principal, Superintendent
12. Long-term (more than five days) suspension from school – Superintendent

**B. Short-Term Suspension from School. [5 days or less]**

When the Superintendent or Principal [“suspending authority”] proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law 3214[3], the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student will be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonable, calculated to assure receipt of the notice within 24 hours of the decision to suspend, at the last known address for the parents. Where possible, notice should also be provided by telephone. This verbal notification shall in no way be considered a substitute for the required written notice.

The notice shall provide a description of the charges against the student and the incident giving rise to the suspension and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominate language of mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as established by the Principal.

Parents who are not satisfied with the principal’s decision and who wish to pursue the matter must file a written appeal to the Superintendent within five [5] business days from the rendering of the decision. The Superintendent shall issue a written decision.

**C. Long-Term Out-of- School Suspensions. [more than 5 days]**

The student’s Home District/CSE is notified. Education Law requires that a Behavior Manifestation Meeting is held, a determination made and that any existing Behavior Intervention Plan (BIP) is reviewed. If none exists, there is an obligation to create one.

## **D. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the infraction. 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.

### **1. Detention**

Henry Viscardi School believes that detention is an effective method of discipline for students. A student who violates the student disciplinary code may be assigned detention by the Principal or his/her designee. A list of those on detention can be found on the daily absentee sheet. In order for a student to be placed on long term detention, the Principal and the parent or guardian must be notified to confirm that there is not parental objection to the penalty.

### **2. Suspension from Transportation**

Henry Viscardi School believes it is crucial for students to behave appropriately while riding on buses, to ensure their safety, that of other passengers, and the fewest possible distractions for bus drivers.

Since the school bus that transports your child to and from school each day is governed by each individual school district, all concerns and issues are directed towards each D.O.T. Children are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. It is important that those waiting for buses conduct themselves properly in respect to the rights and property of others.

If a child does not conduct himself/herself properly on a bus, such instances shall be brought to the attention of the administrator by the bus driver, and violations will be cited to their bus companies and school district. Repeat offenders are written up by their drivers and matrons. Disciplinary problems are solved between parents, school districts and HVS Administrators.

Children who become a serious disciplinary problem may have their riding privileges suspended but only after a manifestation determination meeting is held. In such cases, the parents(s) or guardian(s) of the children involved become responsible for seeing that their children get to and from school safely. Should the suspension from transportation amount to a suspension from attendance, Henry Viscardi School will make appropriate

arrangements to provide for the student's education. Any such suspension shall be in accordance with the provisions of the Education Law.

### 3. **In-School Suspension**

The Henry Viscardi School recognizes the school must balance the need of students to attend school and for order in the classroom to establish an environment conducive to learning. As such, Henry Viscardi School authorizes the Administration 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 official imposing the in-school suspension to discuss the conduct and the penalty involved.

Students may be assigned to in-school suspension for a specified period of time. Students may not attend classes during this time unless a special request is made by a teacher and that request is approved by an administrator.

1. At the discretion of Administration, a student who would otherwise be subject to a suspension from attendance as the result of a disciplinary infraction may be placed on in-school suspension for a period not to exceed five (5) school days.
2. Prior to the imposition of an in-school suspension, the Administration shall provide the student with an opportunity to explain the facts and circumstances surrounding the alleged infraction leading to the imposition of an in-school suspension.
3. Upon imposition of an in-school suspension, the student's parent shall be notified in writing of the dates of the suspension and the reasons therefore. The parent shall be given the opportunity for a conference with the principal or his/her designee.
4. The student's teachers will be notified in writing that assignments for the period of suspension should be sent to the suspension room.
5. The suspended student shall report at the beginning of the next school day following the imposition of a suspension. He/she must come prepared with books, materials and long term assignments.
6. The student will remain in the suspension room during the full school day. He/she must be prepared to work the entire day.
7. The suspension room will retain an atmosphere of quiet, conducive to study with strict rules of behavior.
8. Completed assignments will be turned into the administrator.
9. Failure to conform with the regulations will result in mandated detention, extended in school suspension or out of school suspension.

## **5. Teacher Disciplinary Removal of Disruptive Students**

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control 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 and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in a classroom or in an administrator's office; (2) sending a student to the Principal's office for the remainder of the class time only; or (3) sending a student to a guidance counselor or other staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The administrator and/or teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.