



SCHOOL CODE OF CONDUCT

Foreword

Buffalo Hearing & Speech Center is a New York State Education Department approved private special education program for preschool (ages 3-5) and school age students (ages 5-8) for students with disabilities classified with autism spectrum disorder; speech impaired, other health impaired, deafness, hearing impaired and preschooler with a disability as well as children enrolled in the Early Intervention Program via NYS Department of Health (ages birth-3).

As part of our approval by the state for our School Age Program, we are required to comply with regulations to provide a code of conduct that outlines expectations for student behavior and disciplinary actions for prohibited student conduct, as well as visitors to our facility. The Part 100 Regulations of the Commissioner of Education, which specify requirements for elementary, middle and secondary school programs in New York State, Part 100.2, General School Requirements, on which this manual is based can be found at:

<http://www.p12.nysed.gov/part100/pages/1002.html#>.

The purpose of this Student Code of Conduct is to outline how our staff will work together with each student and family, as well as other community partners (i.e., districts, county health departments, case workers and similar professionals) to ensure that each student has access to education in a safe, caring, and supportive environment.

Thank you for letting us partner with your family. We look forward to sharing in each student's successes in the coming year!

Sincerely,

Lynn C. Shea, Director

Early Childhood Program

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Students Rights and Responsibilities

Students enrolled at BHSC will have the same civil or legal rights afforded to other students under the provisions of the federal and state constitution and laws of the State of New York. Students and families will be treated with kindness and support with no discrimination on the basis of race, color, national origin, sex, gender identity, age, religion, developmental disability, or health condition at any time.

It is the student's right:	It is the student's responsibility:
1) To a free appropriate public education in the Least restrictive environment	1) To attend school daily, regularly, and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education
2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly	2) To be aware of all of the rules and expectations regarding student behavior and conduct him/herself in accordance with these guidelines
3) To be respected as an individual	3) To respect one another and to treat others in the manner one would want to be treated
4) To express one's opinions verbally or in writing if appropriate	4) To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others
5) To dress in such a way as to express one's personality	5) To dress appropriately in accordance with the dress code so as not to endanger physical health, safety, limit participation in school activities, or be unduly distracting
6) To be afforded equal and appropriate educational opportunities	6) To be aware of available educational programs in order to use and develop one's capabilities to his/her maximum
7) To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, gender, sexual orientation, national origin, ethnic group, political affiliation, age, marital status or disability	7) To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others
8) To be made aware of the school rules and policies, and to always be treated in a manner consistent with these policies in all disciplinary matters	8) To obey the rules and conduct oneself in a manner not distracting to others
9) To be protected from intimidation, harassment, or discrimination based on race, color, creed, religion, religious practice, gender, sexual orientation, gender or national origin, ethnic group, political affiliation, age, marital status or disability by employees or students on school property or at a school-sponsored event, function or activity	9) To respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity Act. To conduct him/herself in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report any incidents of intimidation, harassment or discrimination

Essential Partners

Expectations for Parents:

- 1) Make certain your child's attendance at school is regular and punctual and all absences are properly excused as required by law.
- 2) Be as certain as possible that your child is free of COVID 19 like symptoms, communicable disease and is in good health, enabling him or her to participate in the learning environment whether in person, hybrid or remote.
- 3) Insist that your child is dressed in compliance with school rules regarding safety and sanitation and in a fashion that will not disrupt classroom procedures in accordance with this Code of Conduct.
- 4) Teach your child, by word and example, respect for the law, for the authority of the school and for the rights and property of others.
- 5) Know and understand the rules your child is expected to observe. Be aware of the consequences for violations of these rules and accept legal responsibility for your child's actions.
- 6) Help your child understand that appropriate rules are required to maintain a safe, orderly environment and provide effective and appropriate strategies for dealing with peer pressure in accordance with the school's Code of Conduct.
- 7) Become acquainted with your child's school, its staff, curriculum and activities. Attend school functions and parent-teacher conferences.
- 8) Convey to your child a supportive attitude toward education and the education program.
- 9) Recognize that the education of your child is a joint responsibility of the parents and the school community,
- 10) Send your child to school ready to participate and learn as required by New York State Law.
- 11) Promote positive behavior in your child by helping him or her to accept the consequences of his or her actions and by becoming involved in the behavior management/disciplinary process. Guide your child to develop socially acceptable standards of behavior.
- 12) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 13) Report any school related safety concerns to a building administrator for resolution.
- 14) Agree to respect building specific requirements regarding safety and security. Parents must sign-in and present proper identification in accordance with building procedures.

Expectations for Teachers, Therapists, and Support Staff:

- 1) Reflect a personal enthusiasm for teaching and learning while maintaining a genuine concern for each individual student.
- 2) Be prepared to teach and/or provide therapeutic instruction.
- 3) Guide learning activities so students learn to think, reason, assume responsibility for their actions and respect the right of others.
- 4) Be fair, firm and consistent in enforcing school rules on school property and at all school functions.
- 5) Give positive reinforcement for acceptable behavior.
- 6) Inform an administrator concerning any student whose behavior requires special attention.
- 7) Maintain a climate of mutual respect and dignity to strengthen each student's self-concept and confidence to learn.
- 8) Communicate to parents, students, and other educational team members that which is important to the student's emotional, social, behavioral, and academic progress, including but not limited to:
 - a. Expectations for students
 - b. Classroom behavior management plan
 - c. Building-based behavior management plan
 - d. Student progress and achievement
- 9) Be knowledgeable about and apply effective classroom/building behavior management techniques.
- 10) Maintain confidentiality about personal information and educational records concerning students and their families.
- 11) Act as a role model for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to the appearance of impropriety.
- 12) Build good relationships with students and their parents.

Expectations for Other School Staff

- 1) Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner in relation to accountability, adaptability, integrity, respect, teamwork and optimism.
- 2) Act as a role model for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to the appearance of impropriety.
- 3) Assist in promoting a safe, orderly and stimulating school environment.
- 4) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 5) Report any school-related safety concerns to a building administrator.

Expectations for the Building Administrators:

- 1) Organize school schedules and teaching assignments which promote effective classroom management and instruction.
- 2) Be fair, firm and consistent in all decisions affecting students, parents, and staff.
- 3) Promote a successful teaching and learning environment by fostering a safe, orderly and academically stimulating school environment.
- 4) Ensure that parents and staff have the opportunity to communicate regularly with the School building leader regarding any school related matters.
- 5) Be responsible for parents and staff knowing and understanding the Code of Conduct.
- 6) Enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.
- 7) Be knowledgeable about, and apply effective classroom/building behavior management techniques, and ensure their utilization.
- 8) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 9) Act as a role model for students, maintain appropriate personal boundaries with students, and refrain from engaging in any behavior that could reasonably lead to the appearance of impropriety.
- 10) Closely and uniformly monitor the implementation of curriculum content and performance standards across all disciplines, while recognizing the academic freedom of the teacher to achieve program expectations.

Student Dress Code

In order to create an atmosphere conducive to teaching and learning, all students and staff members are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance.

An individual's dress, grooming and appearance shall be safe, appropriate, and not disrupt or interfere with the educational process.

Weapons

All students, parents, and visitors to our facility may not carry or use firearms or other dangerous weapons at any time. A weapon for the purposes of this Student Code of Conduct is defined as a device, instrument, material, or substance that has the ability to cause death or serious bodily injury or harm.

Visitors

Visitors to our program are required to uphold similar standards of safety and responsible conduct when on the school grounds. All visitors are required to sign-in with our reception staff. Parents of enrolled students are also considered visitors to our building and will be expected to follow procedures as specified in this section. Should a visitor engage in intimidating, discriminatory, or harassing behavior, that individual will be notified that the behavior being displayed is not consistent with our expectations for conduct on our school grounds. If a visitor continues to engage in an intimidating, discriminatory, or harassing manner toward staff, students, or other visitors/parents, they may be asked to leave. Visitors are strictly prohibited from recording (audio, video, or other means) or photographing classrooms, students, meetings or ongoing activities supported by our program at any time.

Child Protective Services

Please be advised that our program will cooperate with Child Protective Services investigations, which might include requests to observe students enrolled in our program; obtain information about student attendance, progress, or hygiene; and review certain records related to the child's well-being. All on-site visits will follow guidelines specified for visitors as outlined above.

Procedures for Early Resolution of Discipline Problems

Parents are notified either by phone call or in writing about any concerns that arise with their child. We aim to support students to the best of our ability via positive behavioral interventions that reduce the likelihood of students engaging in significant, dangerous behavior. In the event that a student's behavior has escalated substantially, the child study team will meet to discuss the behavior and develop a behavior support plan. The staff may call a meeting with the student's parents to problem-solve and discuss the behavior support plan.

If the interventions put in place by the in-house child study team do not prove to be effective, the next step could be to make a request to the child's home district to have a functional behavioral assessment (FBA) completed. Based on the results of the FBA, a behavioral intervention plan (BIP) may be completed. Both a functional behavior assessment and behavior intervention program require modifications to the child's IEP.

If the family and our staff continue to have concerns despite changes made to support the student in continuing to meet IEP objectives in our setting, then the School Building leader will reach out to the school district to discuss the appropriateness of our program as a placement. If all levels of support in our facility have been exhausted based on consultation with the district and family, the school district will usually call an emergency CSE meeting to discuss other placement options that might better serve the student.

Parents of students at our facility who have children in these circumstances often have had several planning and support meetings with our staff prior to these emergency CSE meetings in attempts to address behavior concerns and have been advised to consider if there are other placements the parents would like to explore that might better support their child.

Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any school employee is strictly forbidden.

Attendance Policy

1. REQUIRED ATTENDANCE: (NYS Education Law): Daily attendance will be taken by the classroom teacher since the NYS Education Law requires students to be in attendance.

2. STUDENT ATTENDANCE/EXCUSES: It is compulsory for school age students (grades 1 & 2) to attend school regularly, except in cases of illness, illness or death in the family, impassable roads, religious observance, health treatment, approved work programs, approved college visits, military obligations, quarantine or other such reasons as may be approved by school administration. Absences for vacations are considered illegal. Chronic tardiness is also unacceptable and constitutes educational neglect for all students. A written statement of the reason for absences (or tardiness) is required upon a student's return to school. The student will be referred back the Committee on Special Education (CSE) if a student is chronically absent.

While school is not compulsory for preschool and kindergarten students, it is expected that students attend school regularly, except in cases of illness, illness or death in the family, impassable roads, religious observance, health treatment, approved work programs, approved college visits, military obligations, quarantine or other such reasons as may be approved by school administration. If a preschool student misses more than 5 days consecutively or has sporadic attendance, both the CPSE and County of Residence will be contacted to determine if continuation of programming is appropriate. A written statement of the reason for absences (or tardiness) is required upon a student's return to school.

NYS Education Law §2-d Bill of Rights for Data Privacy and Security

Parents (includes legal guardians or persons in parental relationships) and Eligible Students (student 18 years and older) can expect the following:

1. A student's personally identifiable information (PII) cannot be sold or released for any commercial purpose. PII, as defined by Education Law § 2-d and FERPA, includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR 99.3 for a more complete definition.
2. The right to inspect and review the complete contents of the student's education record stored or maintained by an educational agency. This right may not apply to parents of an Eligible Student

3. State and federal laws such as Education Law § 2-d; the Commissioner of Education's Regulations at 8 NYCRR Part 121, the Family Educational Rights and Privacy Act ("FERPA") at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of a student's identifiable information.
4. Safeguards associated with industry standards and best practices including but not limited to encryption, firewalls and password protection must be in place when student PII is stored or transferred.
5. A complete list of all student data elements collected by NYSED is available at <http://www.nysed.gov/data-privacy-security/student-data-inventory> and by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
6. The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints may be submitted as follows:

Joseph Sonnenberg, Vice-President, Compliance Officer
50 E. North Street, Buffalo, NY 14203
716-885-8871 ext. 2110 Or via email: jsonnenberg@askbhsc.org

Chief Privacy Officer, New York State Education Department

89 Washington Avenue, Albany, NY 12234.

518-474- 0937 Or via email to privacy@nysed.gov
7. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
8. BHSC Employees that handle PII will receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII.
9. BHSC contracts with vendors that receive PII and will address statutory and regulatory data privacy and security requirements.

Family Educational Rights and Privacy Act (FERPA)

Annual Notification to Parents/Legal Guardians

Your child's records are stored electronically.

Family Educational Rights and Privacy Act (FERPA) affords parents/legal guardians certain rights with respect to the student's educational records.

These rights are:

1. Inspect/review your child's educational records. Parents/legal guardians may request to review a record unless access is prohibited under State or Federal law by calling the Health Information Administrator at (716) 885 – 8871 ext. 2317. The parents/legal guardians have the right to receive an understandable explanation about and interpretations of information included in any Early Intervention (EI) record upon request. Arrangements will be made for you to review the record within ten (10) business days of your request.
2. Obtain copies of your child's records from the agency. A copy of the record will be provided to the parents/legal guardians within ten (10) business days of the request. If parents/legal guardians request a copy of the record for the purpose of mediation or impartial hearing, a copy will be provided within business 5 days. There will be no charge. Please contact the Health Information Department at (716) 885- 8871 ext. 2323 or ext. 2317 to obtain a copy.
3. Request an amendment of your child's records to ensure that they are not inaccurate, misleading, or otherwise in violation of the child's privacy or other rights. The parents/legal guardians will contact the Health Information Administrator at (716) 885-8871 ext. 2317 to request an amendment. If the agency agrees to the parental request to amend their child's record, the agency amends the information and informs the parents/legal guardians. For EI, the family's service coordinator will inform them. If the agency decides not to amend the record requested, the parents/legal guardians will be informed in writing of the agency's decision not to amend the record and that the parents/legal guardians have a right to a hearing. For EI, the Early intervention Official will inform them in writing. The hearing will be conducted by an individual designed by the municipality who does not have a direct interest in the outcome of the hearing. If information in the record is found to be inaccurate, misleading, or to violate the privacy rights of the child, the agency will amend the record accordingly and inform the parents/legal guardians of the amendment in writing. For EI, the service coordinator ensures the contents of the record is amended and notifies the parents/legal guardians in writing of the amendment
4. Add a statement to the records, should you wish.
5. Request a copy of our agency's formal policy statements on records access and confidentiality.
6. Consent to disclosures of all personally identifiable information contained in your child's record, except to the extent that the applicable act and the regulations authorize disclosure without consent.
7. File a complaint with the United States Department of Education under section 99.64 concerning alleged failures of this agency to comply with the requirements of the act and this part.

If you have any questions about your rights, please call:

The director of your child's program – (716) 885-8318

Written Notification Regarding Use of Public Benefits or Insurance to Pay for Certain Special Education and Related Services for Preschool Services Only

You are receiving this written notification to give you information about your rights and protections under the Federal Individuals with Disabilities Education Act (IDEA), so that you can make an informed decision about providing your written consent to allow Erie County or Buffalo Hearing & Speech Center-North Street location to use your or your child's public benefits or insurance to pay for special education and related services that the County is required to provide at no cost to you and your child.

Funds from a public benefits or insurance program (ex, Medicaid funds) may be used by the County or Buffalo Hearing & Speech Center to help pay for special education and related services, but only if you provide your consent, as explained below.

Before the County or Buffalo Hearing & Speech Center can ask you to provide your consent to access your or your child's public benefits or insurance for the first time, it must provide you with this notification of the rights and protections available to you under IDEA. This notification is intended to help you understand these rights and protections, including the type of consent the County will ask you to provide. If you choose not to provide your consent, or later decide to withdraw your consent, the county has a continuing responsibility to ensure that your child is provided all required special education and related services under IDEA at no charge to you or your child.

PARENTAL CONSENT : 34 CFR §300.154 (d)(2)(iv)(A)-(B) and NYCRR § 200.5 (b)(8)(i)

Beginning July 3, 2013, before the County or Buffalo Hearing & Speech Center can use your child's public benefits or insurance for the first time to pay for special education and related services under IDEA, it must obtain your signed and dated written consent. The county or Buffalo Hearing & Speech Center is only required to obtain your consent one time. THIS CONSENT REQUIRMENT HAS TWO PARTS.

1. Consent to share records about your child: The county or Buffalo Hearing & Speech Center is required to obtain your writing consent before sharing personally identifiable information about your child (such as name, address, social security #, individualized education plan (IEP)) from your child's education records. In asking for consent the county or Buffalo Hearing & Speech Center is will A) Identify the records or information that will need to be shared B) tell

you the purpose of sharing the records and C) identify the agency to which the county may disclose the information (ex, the Medicaid agency).

2. Consent to bill your public insurance program (ex, Medicaid) : Your consent must include a statement specifying that you understand and agree that the county may use you or your child's public benefits or insurance to pay for some of your child's special education services. If the county or Buffalo Hearing & Speech Center has on file your consent provided before July 3, 2013 to release your child's records and to use you or your child's public benefits or insurance to pay for special education and related services, the county or Buffalo Hearing & Speech Center is required to request a new consent from you ONLY when there is a change in : the type of services to be provided to your child (ex, speech therapy), the amount of services provided to your child (ex, hours per week), or the cost of services (amount charged to public benefits or insurance program).

If any of these changes occur, the county Buffalo Hearing & Speech Center must obtain from you a new one-time consent. Before you provide the new, one-time consent, the county must provide you with this notification. Once you provide this consent you will not be required to provide the county with any additional consent in order for it to access you or your child's public benefits or insurance even if your child's services change in the future. However, the County Buffalo Hearing & Speech Center must continue to provide you with this notification annually.

You have the right to withdraw your consent at any time. If you withdraw your consent, the County or Buffalo Hearing & Speech Center must still provide all of your child's IEP special education and related services at no cost to you. To withdraw your consent, you will need to submit your request in writing to the County.

NO COST PROVISIONS 34 CFR § 300.154 (d)(2)(i)-(iii) AND 8 NYCRR§ 200.5(b)(8)(ii)(b)-(d)

The IDEA "no cost" protections regarding the use of public benefits or insurance are as follows:

- 1) The county or Buffalo Hearing & Speech Center may not require you to sign up for, or enroll in, a public benefits or insurance program in order for your child to receive a free appropriate public education.
- 2) The county or Buffalo Hearing & Speech Center may not require you to pay any out-of-pocket expenses, such as the payment of a deductible or co-pay amount for filing a claim for services that the County is otherwise required to provide your child without charge.
- 3) The County or Buffalo Hearing & Speech Center may not use you or your child's public benefits or insurance if using those benefits or insurance would :
 - a. Decrease your available lifetime coverage or any other insured benefit, such as a decrease in your plan's allowable number of physical therapy sessions available to

- your child or a decrease in your plan's allowable number of sessions for mental health services;
- b. Cause you to pay for services that would otherwise be covered by your public benefits or insurance program because your child also requires those services outside of the time your child is in school;
 - c. Increase your premium or lead to the cancellation of your public benefits or insurance; or
 - d. Cause you to risk the loss of your child's eligibility for home and community based waivers that are based on your total health-related expenditures.

We hope this information is helpful to you in making an informed decision regarding whether or not to allow the County or Buffalo Hearing & Speech Center to use you or your child's public benefits or insurance to pay for special education and related services under IDEA.

For additional information and guidance on the requirements governing the use of public benefits or insurance to pay for special education and related services see :

<http://www2.ed.gov/policy/speced/reg/idea/part-b/part-b-parental-consent.html>.

Dissemination of this Code of Conduct

The Student Code of Conduct will be distributed to the parents at the beginning of the school year.

Staff will receive this Code of Conduct at the time of hire and there will be reviewed at least annually thereafter. This Code of Conduct will also be available on the BHSC website and will be available upon request. This manual will be reviewed annually and updated as regulations or other circumstances require a revision sooner.