

**St. Lawrence-Lewis BOCES  
Board of Cooperative Educational Services**

**CODE OF CONDUCT**

**2023-2024**

# Code of Conduct

## I. Introduction

It is the Board of Cooperative Educational Services' belief that each student should be treated as a person who can reasonably be expected to be responsible for his/her own behavior. All school personnel will assist each student in this program of personal responsibility with a few sensible rules of conduct, focusing on safety and respect for the rights and property of others and consistently applied in the classrooms and throughout the school. Students who cannot accept this responsibility and violate school rules will be required to accept the penalties and more regulated supervision.

Discipline is most effective when it is impartial and deals directly with the problem at the time and place it occurs, if possible. Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior. Disciplinary action may be taken against any person who violates any federal or state statute, local ordinance, or BOCES Board policy.

## II. Definitions

For purposes of this Code, the following definitions apply:

**A. "Dignity for All Students Act" prohibits discrimination against, and harassment of, students based on actual or perceived race, color, age, weight, national origin, ethnic group, religion religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property or at a school function, and provides equal access to the Boy Scouts and other designated youth groups.**

1. Discrimination – treating another in a negative manner based on actual or perceived race, color, age, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property or at a school function.
2. Harassment- the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental emotional or physical wellbeing; or 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 safety.
3. Bullying – a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.

**B. "Academic misconduct" means engaging in any act, including but not limited to:**

1. Lateness for, missing or leaving school or class without permission or excuse.
2. Cheating (including but not limited to copying, using unauthorized help sheets and the like illegally obtaining tests in advance, substituting for a test-taker, altering records, giving and/or receiving assistance on tests, quizzes, assignments without permission from the classroom teacher and other forms of fraudulent activities).

3. Plagiarism (including the presentation of someone else's words or ideas as your own and/or copying directly from reference material) (i.e., computer generated program, books, magazines, encyclopedias, microfilm, micro- fiche, etc., without making notation as to the identity of the source or author).
4. Computer misuse (including the manipulation of a data file for the purpose of presenting it as a student's own original work, illegally copying school-owned software and pilfering or destroying computer hardware or software programs and/or data files not owned by the student. In addition, students may not use school computers to charge or order materials or to access web sites for any purpose other than pertinent classroom knowledge).
5. Assisting another student in any of the above actions.
6. Obstructing vehicular or pedestrian traffic.
7. Engaging in misconduct while on a school bus. Such acts include but are not limited to: excessive noise, pushing, shoving and fighting. 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.
8. Creating a hazardous, unsafe or physically offensive condition by any act which serves no legitimate purpose.
9. 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.

**C. "Disorderly Conduct"** means intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, by any act, including but not limited to:

1. Disrupting the educational process and/or substantially interfering with the teacher's authority over the classroom.
2. Fighting or engaging in violent behavior.
3. Making unreasonable noise.
4. Running in hallways.
5. Using language or gestures that are profane, sexually inappropriate or harassing, vulgar or abusive.

10. Computer/electronic communications misuse, including any unauthorized use of computers, cell phones, software, or internet/ intranet account; accessing inappropriate web sites; unauthorized audio or videotaping; or any other violation of the district's acceptable use policy.

**D "Disruptive student"** means a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A disruptive student is one who fails to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

**E "Endangers"** means jeopardizing the safety, morals, health or welfare of others by any act, including but not limited to:

1. Selling, using or possessing weapons, fireworks, or other dangerous instruments or contraband.
2. Being in unauthorized areas.
3. Lying to school personnel.
4. Stealing the property other students, school personnel or any other person lawfully on school property or attending a school function.
5. 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.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
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. Accessing, selling, using or possessing obscene or pornographic material.
9. Using profane, vulgar or abusive language, cursing or swearing, (including ethnic slurs).
10. Selling, possessing or using tobacco products including but not limited to, cigarettes, e-cigarettes, cigars, pipes, chewing and/or smokeless tobacco.
11. Possessing, consuming, using, 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, heroin, amphetamines, 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. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a sexually inappropriate, harassing or indecent manner.
15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. The distribution or posting of any written material, pamphlets or posters without the prior approval of the BOCES district superintendent or designee.
17. Misuse of driving/riding policy.
18. Displaying a tool as a weapon or showing or using a tool in an inappropriate manner.
19. Failing to report or creating a hazardous or unsafe situation.

**F. "Insubordinate"** means disrespectful and/or failing to comply with the lawful directions of any school personnel. 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 employees in charge of students or otherwise demonstrating disrespect.

2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
  4. Sleeping in class.
- G. "Parent"** means parent, guardian or person in parental relation to student.
- H. "School function"** means any school sponsored event or activity.
- I. "School property"** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law 142.
- J. "Student"** means any preschool, elementary, secondary or adult student enrolled, full or part time, in any program affiliated with the BOCES.
- K. "Substantially disruptive"** means a significant or persistent disruption of the educational process or substantial interference with a teacher's authority, occurring when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.
- L. "Violent student"** means a student who engages in any act, including but not limited to :
1. Committing or threatening to commit an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
  2. Committing or threatening to commit an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other

person lawfully on school property or attempting to do so.

3. Possessing, displaying, using, and/or threatening with, while on school property or at a school function, a weapon or what appears or is being used as a weapon.
4. Knowingly and intentionally damaging or destroying the personal property of any school employee or any person on school property or at a school function, including graffiti or arson.
5. Knowingly and intentionally damaging or destroying school district property, including graffiti or arson.

**M. "Weapon"** means a firearm as defined in 18 USC 921 for purposes of the Gun-Free Schools Act. It also includes but is not limited to 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 cutter, 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.

### III. Student Rights and Responsibilities

#### A. Student Rights

The BOCES 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 BOCES students have the right to:

1. Take part in all BOCES activities on an equal basis regardless of actual or perceived race, color, age,

weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

## **B. Student Responsibilities**

**It shall be the responsibility of each student enrolled in a BOCES program to:**

1. Contribute to maintaining a safe and orderly 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 BOCES policies, rules and regulations dealing with student conduct.
3. Attend school every day unless legally excused and be in class, on time, and prepared to learn.
4. Work to the best of his/her ability in all academic and extracurricular pursuits and strive toward his/her highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control his/her anger.
7. Ask questions when he/she does not understand.

8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for his/her actions.
11. Conduct himself/herself as a representative of the BOCES when participating in or attending school-sponsored extracurricular events and to hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship.

## **IV. Essential Partners**

### **A. Parents**

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 legal.
5. Insist their children be dressed and groomed in a manner consistent with the Student Dress Code.
6. Help their children understand that in a democratic society 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 and the district.
9. Build good relationships with teachers, other parents and their children's friends.

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.

## **B. Teachers**

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Participate in training programs to raise awareness and sensitivity towards discrimination, harassment and bullying, and respond appropriately.
4. Report any suspected incidents of discrimination, harassment and bullying to the principal and the Dignity for All Students Act Coordinator.
5. Be prepared to teach.
6. Demonstrate interest in teaching and concern for student achievement.
7. Know school policies and rules, and enforce them in a fair and consistent manner.
8. Communicate to students and parents:
  - ▶ Course objectives and requirements.
  - ▶ Marking/grading procedures.
  - ▶ Assignment deadlines.
  - ▶ Expectations for students.

▶ Classroom discipline plan.

9. Communicate regularly with students, parents and other teachers concerning growth and achievement.

## **C. School Counselors**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
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. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.

## **D. Dignity for All Students Act Coordinator**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Participate in training programs to raise awareness and sensitivity towards discrimination, harassment and bullying, to enable teachers to respond appropriately.
3. Receive and document all alleged complaints of discrimination, harassment and bullying.

4. Convey all information received regarding alleged complaints of discrimination, harassment and bullying to the principal or administrator in charge.

#### **E. Principals**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Be responsible to designate a person to be in charge of the school environment when the principal is not on the campus.
4. Survey on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
7. Establish the link between reporting and gathering data that will help monitor trends.

#### **F. BOCES District Superintendent**

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with the district administrators the policies of the BOCES Board of Education and state and federal laws relating to school operations and management.

3. Inform the BOCES Board about educational trends.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

#### **G. BOCES Board of Education**

1. Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the district's Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example, conducting meetings in a professional, respectful, courteous manner.

#### **V. Student Dress Code**

- A. Students are expected to dress in a manner which is proper and appropriate for a school environment. The learning environment and dress requirements that support it are more formal than the dress standards for out- of-school activities. The following guidelines should be followed when attending school or school-sponsored activities.
  1. Students are expected to dress in clothing that meets their programs safety and professional expectations.



Attire or lack of attire that is unsafe or is disruptive to the educational process is not acceptable.

2. T-shirts, articles of clothing, buttons or other items which are vulgar, obscene, libelous or denigrate others on account of race, color, age, weight, religion, creed, national origin, gender, sexual orientation or disability are not permitted.
3. Articles of clothing that visually identify or promote alcohol consumption, drug use, sexual harassment, racism, gang and/or violent behavior are strictly prohibited.
4. Attire and accessories that are potentially dangerous are prohibited for health and safety reasons.
5. 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. 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.
6. Uniforms, coveralls, safety shoes, safety glasses and other Personal Protective Equipment are required in most career and technical courses. It is the responsibility of the student to provide these, and to wear them daily.
7. Work supervisors and/or Instructors will determine appropriate dress for internship/work sites.

## **VI. Prohibited Student Conduct on BOCES Property**

- A. The BOCES Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of BOCES facilities and equipment.
- B. The best discipline is self-imposed, and students must learn how to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on students' ability to grow in self-discipline.
- C. The BOCES Board recognizes the need to make its expectations for student conduct while on and off campus sites 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.
- D. The BOCES prohibits the following conduct or acts, and students may be subject to disciplinary action, up to and including suspension from school, when they:
  1. Engage in conduct that is or perceived to be discriminatory.
  2. Engage in conduct that is or perceived to be harassing.
  3. Engage in conduct that is or perceived to be bullying.

4. Engage in conduct that is insubordinate.
5. Engage in disruptive behavior.
6. Engage in conduct that is violent.
- 7 Engage in any conduct that endangers the safety, morals, health or welfare of others. (See Definitions, II. D.)
8. Engage in misconduct while on a school bus.
9. Engage in conduct which violates traffic laws, parking regulations or other restrictions on vehicles.
10. Engage in any form of academic misconduct.
11. Engage in conduct which violates the penal law of the state of New York.

## **VII. Off Campus Misconduct**

- A. Off campus misconduct that endangers the health and safety of students or staff within the school or can reasonably be forecast to substantially disrupt the educational process is prohibited. Such conduct includes, but is 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.

## **VIII. Reporting Violations**

- A. Any violation of the Code of Conduct shall be reported immediately to the building principal, with the exception of discrimination, harassment or bullying. All incidents of discrimination, harassment or bullying must be reported to the Dignity for All Students

Act Coordinator, who will refer the incidents to the principal or administrator in charge for investigation.

- B. 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 permanent suspension and referral for prosecution.
- C. The building principal or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.
- D. The notification may be made by telephone, followed by a letter mailed on 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.
- E. Violations are designated Level 1, Level 2 or Level 3 according to their severity. The lists and chart below describe examples of violations at each of the 3 levels and the suggested range of penalties for each violation. However, each case will be analyzed on an individual basis.

### **Level 1**

1. Safety violations
2. Public displays of affection
3. Misconduct in public or common areas
4. Misuse of driving riding permits
5. Violation of cafeteria procedures
6. Abusive and/or vulgar language/ gestures
7. Disruptive behavior

8. Tardiness/Absentee
9. Loitering in or around the building
10. Violation of the dress code
11. Misuse or use in a restricted area of electronic devices such as: tablets, Chromebooks, laptops, portable sound systems, stereos, radios, recorders, cellular phones, and laser lights, etc.
12. Being in an unauthorized area
13. Unauthorized use of computers, the internet, phones

**Level 2**

1. Insubordination to school personnel
2. In possession of pornographic materials
3. Forging/falsifying a school-related document or form
4. Cheating
5. Plagiarism
6. Unauthorized cutting/absence from class
7. Leaving school property without permission
8. Use or possession of tobacco products. (smoking/smokeless)

9. Conduct unbecoming a student

**Level 3**

1. Discrimination
2. Bullying
3. Harassment
4. Fighting/assault
5. Theft
6. Vandalism
7. Possession of a weapon or fireworks
8. Possession of or inappropriate use of chemical irritants
9. Use or possession of drugs, alcohol and/or related paraphernalia
10. Verbal assaults or threats
11. Hazing
12. Disorderly conduct
13. Extortion
14. False alarms, bomb threats
15. Setting fires/arson

Violations are divided into three main categories of offenses, with a range of penalties or consequences for each. The following chart is intended to be used only as a guide. Each case will be analyzed on an individual basis.

LEVEL I		
1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense & Subsequent
<ul style="list-style-type: none"> <li>• Verbal/written warning/reprimand</li> <li>• Structured Day(s)</li> <li>• SAS (Supervised Alt. Setting)</li> <li>• Lunch Detention(s)</li> </ul>	<ul style="list-style-type: none"> <li>• Structured Day(s)</li> <li>• SAS</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term suspension</li> <li>• Structured day(s)</li> <li>• SAS</li> <li>• Parent conference may be called</li> </ul>
LEVEL II		
1 <sup>ST</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense & Subsequent
<ul style="list-style-type: none"> <li>• Structured Day(s)</li> <li>• SAS</li> <li>• Short-term suspension</li> <li>• Verbal/written warning</li> <li>• Lunch detention(s)</li> </ul>	<ul style="list-style-type: none"> <li>• SAS</li> <li>• Short-term suspension</li> </ul>	<ul style="list-style-type: none"> <li>• SAS</li> <li>• Short-term suspension</li> <li>• Long-term suspension pending superintendent's hearing in home school</li> </ul>
LEVEL III		
1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense & Subsequent
<ul style="list-style-type: none"> <li>• SAS</li> <li>• Short-term suspension</li> <li>• Long-term suspension pending superintendent's hearing in home school</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term suspension pending superintendent's hearing in home school</li> </ul>	<ul style="list-style-type: none"> <li>• Long-term suspension pending superintendent's hearing in home school</li> </ul>

Students with disabilities who have Behavior Intervention Plans as part of their IEP's may have a wide variety of consequences. For students in separate settings, the above levels may be modified.

**In addition to the above possible penalties, the following may be added:**

- ▶ Grades are calculated numerically and may be converted by home schools. Grades below 65 will be considered failing.
- ▶ At all Levels for 2<sup>nd</sup>, 3<sup>rd</sup> and subsequent offenses – responsibility report/behavior probationary contract.
- ▶ At all Levels for 2<sup>nd</sup>, 3<sup>rd</sup> and subsequent offenses – a conference.
- ▶ At all Levels for all offenses – Guidance referral.
- ▶ At all Levels for the 3<sup>rd</sup> offenses and any subsequent offenses - there may be a re-entry conference with a review committee required.

**In addition:**

- ▶ The BOCES reserves the right in cases of criminal conduct to notify appropriate law enforcement authorities.
- ▶ the right to recoup liabilities for any damages.

## **IX. 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 the students view as fair and impartial. Disciplinary action is used only when necessary and to place emphasis on the students' ability to grow in self-discipline. In order to insure the effectiveness of this Code of Conduct, BOCES requests the continuing assistance of parents in explaining and enforcing the Code.

Depending upon the nature of the violation, it is the BOCES Board's desire that student discipline be progressive, i.e., a student's first violation should merit a lighter penalty than subsequent violations. It is also the BOCES Board's desire that relevant factors be considered in determining appropriate penalties.

Penalties may be imposed either alone or in combination.

### **A. Permissible Penalties**

The range of consequences or penalties which may be imposed for violation of the student disciplinary code include the following:

1. Verbal warning
2. Written warning
3. Written notification to parents
4. Parent conference
5. Structured day
6. Supervised Alternative Setting (SAS)
7. Lunch detention
8. Suspension from social or extracurricular activities
9. Suspension of other privileges
10. Suspension from school (short term, long term, or permanent)

11. Exclusion from a class (temporary or permanent)

12. Involuntary transfer

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

1. 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.

2. 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

3. 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 into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

### **C. Disruptive behavior**

1. For purposes of this Code of Conduct, a disruptive student is a student who is significantly disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A significant 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.

2. A classroom teacher may remove a student who is disruptive, from

class for up to two days. The removal from class applies to the class of the removing teacher only.

3. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

4. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The 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.

5. The teacher must complete a discipline referral on School Tool and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances.

6. If the principal or designee is not available by the end of the same school day, the teacher must meet with the principal or designee prior to the beginning of classes on the next school day.

7. Within 24 hours after the student's removal, the principal or another BOCES administrator designated by the principal must notify the student's parents, in writing, that the student has been removed from class and why.

8. The notice must also inform the parent that he or she has the right, upon request, to meet informally with

the principal or the principal's designee to discuss the reasons for the removal.

9. The principal may require the teacher who ordered the removal to attend the informal conference.

10. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents.

11. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

12. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events.

13. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

14. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

- ▶ The charges against the student are not supported.
- ▶ The student's removal is otherwise in violation of law, including the district's Code of Conduct.
- ▶ The conduct warrants suspension from school pursuant

to Education Law 3214 and a suspension will be imposed.

15. The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.
16. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.
17. Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.
18. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

#### **D. Suspension from School**

1. Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety,

morals, health or welfare of others. Suspension can also be imposed on students who discriminate against, harass or bully students based on actual or perceived race, color, age, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The component School Boards and their individual superintendents and building principals retain their authority to suspend students. BOCES administrators shall make recommendations regarding the discipline and suspension of students.

2. Any staff member may recommend to the BOCES supervisor or principal that a student be suspended. All staff members must **immediately** report and refer a violent student to the principal or supervisor for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underling the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.
3. The supervisor or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

#### **E. Short-term (5 days or less) suspension from school**

1. When the BOCES supervisor or principal proposes to recommend suspension of a student charged with misconduct for five days or less pursuant to Education Law 3214(3), he/she must immediately notify the suspending authority (the student's

home school district). Upon receiving notification that the suspending authority concurs with the suspension, the principal or supervisor must immediately notify the student orally.

2. If the student denies the misconduct, the BOCES principal or supervisor, on behalf of the suspending authority, must provide an explanation of the basis for the proposed suspension. The suspending authority, or the BOCES principal or supervisor on behalf of the suspending authority, must also notify the student's parents in writing that the student may be suspended from school.
3. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.
4. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the BOCES principal or supervisor. Both the notice and informal conference shall be in the dominant language or 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 the BOCES principal or supervisor may established.
5. The notice and opportunity for an informal conference shall take place

before the student is suspended unless the student's presence in school poses continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

6. After the conference, the home school principal shall promptly advise the parents in writing of his or her decision. The home school principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the home school superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.
7. The home school superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the home school superintendent's decision, they must file a written appeal to the home school Board of Education with the district clerk within 10 business days of the date of the home school superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the home school Board may be appealed to the Commissioner within 30 days of the decision.

#### **F. Long-term (more than 5 days) suspension from school**

1. When the home school superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give



reasonable notice to the student and the student's parents of their right to a fair hearing. All hearing procedures, determinations, and appeals shall be conducted according to the home school district's policies and procedures as set forth in their Code of Conduct.

## G. Permanent suspension

1. Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function. Only a student's home school district can impose a permanent suspension, according to its policies and procedures.

## H Minimum Periods of Suspension

1. **Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year.** Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law 3214.

*Note:*

*The federal Gun-Free Schools Act of 1994 (20 USC 8921) requires all states that receive funds under the Elementary and Secondary Education Act of 1965 to have a law that requires school districts to suspend student who bring weapons to school for a minimum of one calendar year.*

*Section 3214(3)(d) of the Education Law has been amended to comply with the federal law.*

*The goal of this broad prohibition and the significant consequence attached to bringing any weapon to school is to stress to students that no weapon of any kind is to be brought to school. This shall be considered a zero tolerance policy.*

2. **Students with disabilities refer to Section X page 19.**
3. The home school superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the following:
  - ▶ The student's age.
  - ▶ The student's grade in school.
  - ▶ The student's prior disciplinary record.
  - ▶ The home superintendent's belief that other forms of discipline may be more effective.
  - ▶ Input from parents, teachers and/or others.
  - ▶ Other extenuating circumstances.
  - ▶ A student with a disability may be suspended only in accordance with the requirements of state and federal law.
4. **Any student, other than a student with a disability, who repeatedly discriminates against, harasses or bullies another student based on actual or perceived race, color, age, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex will be recommended for suspension from school for at least five days by the home school district.**
5. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all

students subject to a long-term suspension.

6. The home school superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**I. Students who commit violent acts other than bringing a weapon to school.**

1. Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days.
2. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.
3. The home school superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**J. Students who are repeatedly, substantially disruptive of the educational process or repeatedly,**

**substantially interferes with the teacher's authority over the classroom.**

1. Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be recommended for suspension from school for at least five days by the home school district.
2. For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law 3214(3-a) and this Code on four or more occasions during a semester, or three or more occasions during a trimester.
3. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.
4. The home school superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**K. Referrals**

1. Counseling

The Guidance Office or BOCES counselor shall handle all referrals of students to counseling from outside agencies.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- ▶ Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- ▶ Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- ▶ Knowingly and unlawfully possesses any drugs or drug paraphernalia in violation of Penal Law 221.05. A single violation of 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The BOCES district superintendent or his/her designee is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family court:

- ▶ Any student under the age of 16 who is found to have brought a weapon to School, or
- ▶ Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law 1.20(42).

4. The BOCES district superintendent or his/her designee is required to refer students age 16 and older or any student 14 or 15 years old who

qualifies for juvenile offender status to the appropriate law enforcement authorities, in the event that they possess a firearm and/or weapon on school grounds.

## X. Discipline of Students with Disabilities

### Glossary:

- BIP - Behavioral Intervention Program
- CSE - Committee on Special Education
- IAES - Interim Alternative Educational Setting
- IDEA - Individuals with Disabilities Education Act
- IEP - Individual Education Program
- FBA - Functional Behavioral Assessment
- SAS - Supervised Alternative Setting

### A. Discipline Procedures for Students with Disabilities

1. The BOCES Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The BOCES Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. **For this reason, whenever a student with disabilities in a BOCES program or facility is recommended for disciplinary action, the home school district CSE must be notified.**
2. The BOCES Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations and component school district policies and procedures.
3. This Code of Conduct affords students with disabilities subject to

disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations. **This portion of the Code of Conduct applies only to students with disabilities under IDEA and Article 89.**

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

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

- ▶ A “suspension” means a suspension pursuant to Education Law § 3214.
- ▶ A “removal” means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- ▶ An “IAES” means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. Only the student’s home school district personnel may order the suspension or removal of a student with a disability from his or her current educational placement, according to federal and state law and the home school district’s Code of Conduct.

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

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

- ▶ for more than 10 consecutive school days; or
- ▶ for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. Home school personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

3. However, the home school district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student’s disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

**D. Special Rules Regarding the Suspension or Removal of Students with Disabilities**

1. The home school district's Committee on Special Education and superintendent shall be responsible for all regulatory and due process requirements for students with disabilities including functional behavior assessments, behavioral intervention plans, IEP's, manifestation determination reviews, superintendent's hearings, and due process procedures.
2. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
3. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this Code.

**E. Expedited Due Process Hearings**

1. The home school district will be responsible for conducting expedited due process hearings according to federal and state laws and regulations.

**F. Referral to law enforcement and judicial authorities**

In accordance with the provisions of IDEA and its implementing regulations:

1. The BOCES or the home district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The BOCES principal, supervisor or district superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

**G. Discipline procedures for students with disabilities in BOCES Special Education programs**

1. Each BOCES special education teacher shall develop a management plan for his/her class to deal with inappropriate behaviors which may occur within the classroom and, if appropriate, in other locations in the school building. This plan shall include standards of behavior that are expected to be followed, and strategies to address challenging behaviors. Both positive and negative consequences will be built into the plan. This management plan must be approved by the BOCES special education supervisor. The building principal will be given a copy of the management plan. It must also be communicated to students and parents.
2. The discipline code of the host school building shall also be in effect for students attending special education programs in that building except that:
  - ▶ If a student is not capable of understanding the rules (i.e., severely mentally retarded) or is not capable of controlling his/her inappropriate behavior because of characteristics of the disability (i.e., emotionally disturbed), a

Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) shall be developed by the student's classroom team (i.e., special education teacher, counselor, psychologist), followed by the approval of the BOCES supervisor and shared with the host school principal, if appropriate. The BIP may be incorporated into the student's Individual Education Plan (IEP).

- ▶ The FBA and BIP will be periodically reviewed or modified as needed.
3. If the management plan for students described in #2 is not sufficient to control inappropriate behaviors, the student shall be referred to his/her home district Committee on Special Education which:
    - ▶ shall determine whether the FBA and BIP is appropriate or needs to be reviewed or modified;
    - ▶ shall determine if the current placement is appropriate.
  4. The BOCES supervisor shall be responsible for ensuring that each BOCES special education teacher has a copy of the host school's discipline code. The teacher will explain the host school's discipline code to students and parents.
  5. The consequences of the host school's discipline code will be applied by the special education supervisor and/or the host school principal. Consequences such as time-out and Supervised Alternative Setting (SAS) may be used for students if they are included in the student's BIP. If a student is placed in a SAS, school discipline policies will be followed and instruction will be provided.
  6. If the host school's discipline code, the student's BIP or the student's

IEP indicate that short-term out-of-school suspension (up to 5 days) is warranted for particular behavior, the following steps shall be taken:

- ▶ The special education teacher shall inform the host building principal and the BOCES supervisor of the behavior and the corrective actions already attempted.
  - ▶ The building principal or BOCES supervisor shall call the home school superintendent or his/her designee to recommend out-of-school suspension, verbally giving the reasons for the recommendation.
  - ▶ If the home school agrees with the recommendation, the host school principal or BOCES supervisor shall inform the student that he/she will be suspended by the home school. The student shall remain school until the end of the school day unless the student's presence poses an immediate danger to others and/or becomes extremely disruptive, in which case the home school will be expected to pick up the student immediately.
  - ▶ The home school shall be responsible for all legal requirements of due process regarding short-term suspension. It shall arrange for the informal due process hearing prior to suspension, inform the parents of the suspension, hold the parent conference if one is requested, and write the suspension letter with a copy to the host school principal and the BOCES supervisor. The home school shall be responsible for ensuring that the student does not attend the host school on the day(s) of suspension.
- OR
- ▶ The home school may request that the host school principal administer the informal due

process hearing with the student before the student leaves school. The home school will conduct the parent conference if one is requested, with involvement from host school and/or BOCES personnel, if appropriate. Any arrangements between the home school and the host school should be agreed upon in advance.

- ▶ Professionalschool personnel aware of the details of the incident will contact the parents.

7. If the home school does not agree with the host building principal's and/or BOCES supervisor's recommendation for suspension, a meeting shall be held with a representative of the home school to determine a course of action (alternate consequences, referral to the CSE, etc.). The student shall continue to attend the program at the host school unless #8 applies. However, other disciplinary consequences may be used (time-out, SAS, etc.).
8. If a student's behavior is dangerous or threatening to himself and/or others, or is so disruptive as to prevent other students from benefiting from instruction, in the opinion of the host building principal or BOCES supervisor, the steps in #6 regarding recommending suspension to the home school shall be followed, but if the home school then disagrees with the recommendation, the student shall not attend the host school until a resolution has been reached.
9. The home school shall make arrangements for the student to attend the home school, receive home instruction, or other arrangements as it sees fit. This type of behavior should signal an immediate referral to the CSE to

review the appropriateness of the student's program.

10. If a student's behavior warrants long-term suspension (more than five days), the home school district shall be responsible for all due process requirements, superintendent's hearing, etc. If accumulated short-term suspensions approach ten days, the student shall be referred back to the CSE to hold a manifestation determination hearing and to determine appropriate placement.

- ▶ A discipline report will be written by a BOCES special education professional team member to inform all parties of inappropriate behavior when that behavior becomes significant. This form shall also be used when a student is referred to the building principal for disciplinary in

11. Purposes and as a follow-up report when a student is suspended by the home school. Copies of the report shall be provided to the host and home school building principal, the BOCES supervisor, the home school CSE chairperson, the parent and others involved in the discipline of the student (caseworker, probation officer, etc.). If a teacher is unsure whether to use the report for a particular incident, he/she should consult his/her BOCES supervisor.

## **XI. Corporal Punishment**

- A. 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 district employee is strictly forbidden.
- B. 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 district functions, powers and duties, if that student has refused to refrain from further disruptive acts.
- C. The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

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

- A. The BOCES Board of Education is committed to ensuring an atmosphere on school property and at school functions 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 district 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.
- B. In addition, the BOCES Board authorizes the district BOCES district superintendent, building principals and their designees to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct.

- C. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.
- D. An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety.
- E. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.
- F. 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 district Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.
- G. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.
- H. Student Lockers, Desks and other School Storage Places**
1. 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.

### **I. Documentation of Searches**

1. The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- ▶ Name, age and grade of student searched.
- ▶ Reasons for the search. Name of any informant(s). Purpose of search (that is, what item(s) were being sought).
- ▶ Type and scope of search.
- ▶ Person conducting search and his or her title and position.
- ▶ Witnesses, if any, to the search.
- ▶ Time and location of search.
- ▶ Results of search (that is, what items(s) were found).
- ▶ Disposition of items found.
- ▶ Time, manner and results of parental notification.

2. The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal 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.

3. The principal or his or her designee shall be responsible for personally

delivering dangerous or illegal items to police authorities.

### **J. Police Involvement in Searches and Interrogations of Students**

1. District officials are committed to cooperating with Police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function 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
- ▶ probable cause to believe a crime has been committed on school property or at a school function; or
- ▶ been invited by school officials.

2. Before police officials are permitted to question or search any student, the building principal 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. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- ▶ they must be informed of their legal rights;

- ▶ they may remain silent if they so desire;
- ▶ they may request the presence of an attorney.

**K. Child Protective Services Investigations**

1. Consistent with the district'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 BOCES will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.
2. All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview.
3. The principal or designee 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.
4. 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 not 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.

**XII. Visitors to the Schools**

- A. The BOCES Board encourages parents and other district citizens to visit the district's schools, classrooms and labs to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors 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 report to the office of the principal upon arrival at the school and must sign a visitors' register. They may also be issued a visitor's identification badge, which would have to be worn at all times while in the school or on school grounds. If issued a badge, the visitor would need to return the identification badge to the principal's office before leaving the building.
  3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
  4. Parents or citizens who wish to observe a classroom or lab while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
  5. Teachers are expected not to take class time to discuss individual matters with visitors.
  6. Any unauthorized person on campus or off campus sites will be reported to the principal or his or her designee. Unauthorized persons will

be asked to leave. The police may be called if the situation warrants.

7. All visitors to both campus and off campus sites are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

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

The BOCES 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 BOCES property and at BOCES school functions.

For purposes of this section of the Code "public" shall mean all persons when on campus or off campus sites or when attending a school function including students, teachers and district personnel. The restrictions on public conduct on BOCES property and at school functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy BOCES property or the personal

property of a teacher, administrator, other district employee or any person on BOCES property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on BOCES grounds or at BOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, weight, gender, sexual orientation or disability.
6. Enter any portion of BOCES premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on BOCES property or at a school function.
10. Possess or use weapons in or on BOCES property or at a BOCES function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about BOCES property.
12. Gamble on BOCES property or at BOCES functions.

13. Refuse to comply with any reasonable order of identifiable BOCES officials performing their duties.

14. Willfully incite others to commit any of the acts prohibited by this Code.

15. Violate any federal or state statute, local ordinance or BOCES Board policy while on BOCES property or while at a BOCES function.

## **B. Penalties**

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

1. Visitors. Their authorization, if any, to remain on BOCES grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, the police will be contacted for removal.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in

accordance with any legal rights they may have.

## **C. Enforcement**

1. The building principal or his or her designee shall be responsible for enforcing the conduct required by this Code.

2. When the building principal 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 principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop.

3. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from BOCES property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

## **XV. Dissemination and Review**

### **A. Dissemination of Code of Conduct**

The BOCES Board will work to ensure that the community is aware of this Code of Conduct by:

1. Providing copies or a summary of the Code to all students at a general assembly held at the beginning of each school year.
  - ▶ Making copies of the Code available to all parents at the beginning of the school year.
  - ▶ Mailing a copy or a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this Code or a summary is available later upon request.
  - ▶ 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.
  - ▶ Providing all new employees with a copy of the current Code of Conduct when they are first hired.
  - ▶ Making copies of the Code available for review by students, parents and other community members.
2. The BOCES Board will sponsor an in-service education program for all

district staff members to ensure the effective implementation of the Code of Conduct. The BOCES district superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

3. The BOCES Board of Education will review this Code of Conduct every year and update it as necessary. In conducting the review, the BOCES Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.
4. Before adopting any revisions to the Code, the BOCES Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.
5. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

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