



Code of Conduct

*For Students, Staff &
Community Members*

Approved by:

Putnam Northern Westchester
Board of Cooperative Educational Services
200 BOCES Drive
Yorktown Heights, NY 10598
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I. Introduction

The Putnam Northern Westchester Board of Cooperative Educational Services (hereafter “BOCES”) is committed to providing a safe and orderly school environment where students may receive and BOCES personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other BOCES personnel, parents and other visitors is essential to achieving this goal.

Further, the BOCES recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act (DASA), Education Law, Article 2, the BOCES will strive to create an environment free of discrimination and harassment (including bullying and cyber-bullying) and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the BOCES’ educational mission. (Board of Education Policy 6441)

The BOCES has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. Accordingly, the BOCES condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex by school employees or students on school property and at school-sponsored activities and events that take place on school property and at locations off school property. In addition, any act of discrimination or harassment that takes place at locations off school property, outside of school sponsored events, including cyber bullying, which creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property may be subject to discipline.

The Board of Education (hereafter “Board”) recognizes that our students are enrolled through their local school district and remain students of that district even though they attend a BOCES program. Furthermore, the Board recognizes that each local district is required to adopt its own Code.

The BOCES recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly, fairly and consistently. To this end, the Board adopts this Code of Conduct (hereafter the “Code”).

Unless otherwise indicated, this Code applies to all students, BOCES personnel, parents and other visitors when on BOCES property or attending a BOCES function, whether on or off BOCES property.

II. Definitions

For purposes of this Code, the following definitions apply:

- *Disruptive Student* means a school-age student or adult student who is substantially disruptive of the educational process or substantially interferes with the teacher or staff member's authority over the classroom, or at any school function or while on school property.
- *Parent* means parent, guardian or person in parental relation to a student.
- *Program administrator* means a director, principal, assistant principal, cluster administrator or supervisor.
- *Home School District* means a student's school district of legal residence.
- *Informal Conference* means a conversation with a parent (see above definition) by means of in-person or teleconference using electronic technology (i.e. phone call or video conference). The BOCES will strive to send the notice and conduct the conference in the native language of the parent.
- *Dignity Act Coordinator* means a school employee who has been appointed by the Board of Education in accordance with Dignity for All Students Act to handle acts of discrimination and harassment (including bullying and cyber-bullying) of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
- *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.
- *School function* means any school-sponsored extracurricular event or activity, whether on or off BOCES property.
- *Violent student* means a school-age student or adult student who:
 - Commits an act of violence upon a school employee, or attempts to do so.
 - Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
 - Possesses, while on school property or at a school function, a weapon, or other device, instrument, tool, material or substance that can cause physical injury or death when used to cause physical injury or death.
 - Displays, while on school property or at a school function, what appears to be a weapon.
 - Threatens, while on school property or at a school function, to use a weapon.
 - Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
 - Knowingly and intentionally damages or destroys school district property.

- *Weapon* means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means:
 - a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;
 - a switchblade knife, gravity knife, ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
 - a billy-club, blackjack, bludgeon, chukka stick, or metal knuckles;
 - a sandbag or sand club;
 - a sling shot or slung shot;
 - a martial arts instrument, including but not limited to, a kung fu (throwing) star, ninja star, nunchucks, or shiriken;
 - an explosive, including, but not limited to, a firecracker or other fireworks;
 - a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - an imitation gun;
 - any loaded or blank cartridges or other ammunition; or any other deadly or dangerous instrument. Objects not normally considered weapons (e.g., scissors, pens, pencils, padlocks, trays, utensils, books, etc.) may nonetheless be used as weapons, or used in a manner in which it is reasonably foreseeable that personal injury or property damage would result. Discipline for the use of an instrument used as a weapon may, in the discretion of the Superintendent or designee, coincide with, but not be limited to, the suspension periods governing weapons.

- *Disability* means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

- *Employee* means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).

- *Sexual Orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).

- *Gender* means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).

- *Harassment* means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, whether verbal or non-verbal, including cyber-bullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical wellbeing; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing or discriminating behavior may be based on any characteristic, including but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).
 - *Bullying* is a form of harassment.
 - *Cyber-bullying* is a form of harassment that may include, among other things, the use, both on and off BOCES school, of information technology, including but not limited to email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass, threaten or intimidate others.
- *Race*-means a group of persons related by a common descent or heredity.
- *Color*-means the apparent pigmentation of the skin, especially as an indication or possible indication of race.
- *Weight*-means the apparent or actual size of an individual.
- *National Origin*- means a person’s country of birth or ancestor’s country of birth.
- *Ethnic Group*-means a group of people who identify with each other through a common heritage, including language, culture and often a shared or common religion and/or ideology that stresses ancestry.
- *Religion* – means specific fundamental beliefs and practices generally agreed to by a number of a group or a body of persons adhering to a particular set of beliefs and practices.
- *Religious Practice*-means the practices and observations of a religion such as attending worship services, wearing religious garb or symbols, prayer at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, etc.
- *Sex*-means the biological and physiological characteristics that define a “male” and a “female.”
- *School Bus*- means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to and from school or school functions, or a privately owned and operated for compensation for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity to or from school or school functions.

III. Student Rights and Responsibilities

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 district students have the right to:

1. Take part in all BOCES activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), 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.

All BOCES students have the responsibility 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 they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Follow direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop strategies to control their anger.
7. Ask questions when they do not understand.
8. Obtain assistance in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Adhere to the Code when participating in or attending school-sponsored events.
12. Report all events of discriminating or harassing behavior(s) by any person to the Dignity Act Coordinator(s).

IV. Essential Partners

The Code and especially the provision of the Dignity Act emphasize the importance of tolerance and respect for others by students and staff alike. Therefore, all members of the school community, including essential partners such as superintendents, school board members, parents, students, teachers, guidance counselors, principals/administrators, support staff and other school personnel have particularly important roles to play in the implementation.

Overall, the Code sets the following expectations for all stakeholders:

- Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex which will strengthen students' confidence and promote learning.

- Confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention in a timely manner.

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the 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.
13. Teach their children respect and dignity for themselves and for other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

B. Teachers

All BOCES instructional and support staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Communicate to students and parents:
 - a. Course objectives and requirements.
 - b. Marking/grading procedures.
 - c. Assignment deadlines.
 - d. Expectations for students.
 - e. Class room discipline plan.
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
7. Comply with state law regarding corporal punishment and mandated reporting of suspected child abuse both in a domestic setting and an educational setting.

8. Report all events of discriminating or harassing behavior(s) by any person to the Dignity Act Coordinator(s).
9. Maintain confidentiality in accordance with federal and state law.

C. Counselors

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Help students to understand behavior that is acceptable in the “real world.”
7. Comply with state law regarding corporal punishment and mandated reporting of suspected child abuse both in a domestic setting and an educational setting.
8. Report all events of discriminating or harassing behavior(s) by any person to the Dignity Act Coordinator(s).
9. Maintain confidentiality in accordance with federal and state law.

D. Program Administrators

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 administrator and approach the administrator for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the Code and ensuring that all cases are resolved promptly and fairly.
6. Report all events of discriminating or harassing behavior(s) by any person to the Dignity Act Coordinator(s).
7. Comply with state law regarding corporal punishment and mandated reporting of suspected child abuse both in a domestic setting and an educational setting.
8. Notify all staff and students within their supervisory control of any changes to the Code.
9. Maintain confidentiality in accordance with federal and state law.

E. District Superintendent and Other Central Administration Staff

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with administrators the policies of the Board and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with administrators in enforcing the Code and ensuring that all cases are resolved promptly and fairly.
6. Comply with mandated reporting of suspected child abuse both in a domestic setting and an educational setting.
7. Report all incidents of discrimination or harassing behavior(s) by any person to the Dignity Act Coordinator(s).
8. Maintain confidentiality in accordance with federal and state law.

F. The Board of Education

1. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code that clearly defines expectations for the conduct of students, BOCES personnel and visitors on school property and at school functions.
2. Adopt and review at least annually the Code to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting Board of Education meetings in a professional, respectful, courteous manner.
4. Appoint a Dignity Act Coordinator(s) for each school building, and to ensure the training of such Coordinator(s)
5. Comply with state law regarding reporting of suspected child abuse in an educational setting.
6. Maintain confidentiality in accordance with federal and state law.

V. Student Dress Code

All students 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. Teachers and all other BOCES personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting as determined by the instructional activity or school event.

A student's dress, grooming and appearance, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that garments that are extremely brief or allow indecent exposure are not acceptable (examples include, but are not limited to, see-through garments, tube tops, muscle shirts, tank tops, bare midriffs, plunging necklines, extremely short shorts, etc.).
3. Ensure that underwear is completely covered with outer clothing.
4. Include appropriate footwear at all times. Footwear that is a safety hazard will not be allowed (examples include flip flops, open toe shoes, extremely high heels, etc.).
5. Recognize that BOCES strongly discourages the wearing of any headwear in school except for a medical or religious purpose or as part of a uniform. Each program will communicate its specific guidelines to the students.
6. Not include items that are vulgar, obscene, libelous, gang related, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
7. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Each program administrator or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

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 disciplinary action.

VI. Prohibited Student Conduct

The Board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, of all BOCES personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. BOCES personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

- A. Engage in conduct that involves physical injury or the threat of injury. Examples of this conduct include:
 1. Homicide – Conduct resulting in the death of another person.
 2. Forcible Sex Offenses – Conduct involving forcible compulsion (making someone do something unwillingly).
 3. Other Sex Offenses – Conduct involving inappropriate sexual contact but no forcible compulsion.
 4. Robbery – Forcible stealing of property from a person by threatening the immediate use of physical force.
 5. Assault with Serious Physical Injury – Intentionally or recklessly causing physical injury that creates substantial risk of death, serious disfigurement, impairment of health loss, or impairment of the function of any bodily organ.
 6. Arson – Deliberately starting a fire with intent to damage or destroy property.
 7. Kidnapping – Abducting or restraining a person with intent to prevent his/her liberation.
 8. Assault with Physical Injury – Intentionally or recklessly causing impairment of physical condition or substantial pain.
 9. Reckless Endangerment – Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious injury but no actual physical injury.

- B. Engage in conduct that disrupts the educational process. Examples of this conduct include:
 1. Minor Altercations – Conduct that involves physical contact and no physical injury.
 2. Intimidation, Discrimination, Harassment, Menacing, Hazing, Taunting, or Bullying – intentionally placing another person in fear of imminent physical injury without physical contact based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or gender expression), or sex.
 3. Burglary – Entering or remaining unlawfully on school property with intent to commit a crime.
 4. Criminal Mischief – Intentionally or recklessly damaging school property or the property of another person, including but not limited to vandalism and the defacing of property with graffiti.

5. Larceny or Other Theft Offenses – Unlawfully taking and carrying away personal property with the intent to deprive the rightful owner of property and permanently or unlawfully withholding property from another.
 6. Bomb Threat – Telephoning, writing, or sending an electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.
 7. False Alarm – Falsely activating a fire alarm or other disaster alarm.
 8. Riot – Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
- C. Engage in conduct that involves the possession of weapons, drugs, including synthetic versions of drugs, whether specifically illegal or not, or alcohol. Examples of this conduct include:
- a. Weapons Possession
 - b. Use, Possession, Sale or Distribution of Drugs, including synthetic versions of drugs.
 - c. Use, Possession, Sale or Distribution of Alcohol
- D. Engage in other disruptive conduct.
1. Engage in conduct that is disruptive. Examples of this conduct include:
 - a. Exhibiting unsafe behavior (running, throwing objects, discharging a fire extinguisher, etc.).
 - b. Making disruptive noise.
 - c. Using language or gestures that are profane, lewd, vulgar, or abusive.
 - d. Harassing or intimidating students or staff members.
 - e. Obstructing vehicular or pedestrian traffic.
 - f. Engaging in any willful act which disrupts the normal or safe operation of the school community.
 - g. 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.
 - h. As outline in the BOCES Acceptable Use Policy, misusing any computer/electronic communications, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; inappropriate use of social media site (i.e. Facebook, twitter) that causes disruption of the educational process, cyber-bullying; sexting, or any other violation of the district’s acceptable use policy.
 - i. Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they must be kept on the person and in a concealed manner. Students are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the Code of Conduct that may be applicable to the circumstances involved.
 - j. Initiating a report warning of fire or other catastrophe without valid cause or misusing 911.
 - k. Indecently exposing to sight the private parts of the body in a lewd or indecent manner.

- l. Defaming others, 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.
 - m. Harassing or discriminating against others, including but not limited to on the basis of actual or perceived race; sex; age; sexual orientation; use of a recognized guide dog, hearing dog, or service dog; color; creed; national origin; religion; ethnic group; gender (including gender expression or gender identity); religious practice; weight; or disability as a basis for treating another in a negative manner.
 - n. Sexually harassing others, which includes but is not limited to: unwelcome sexual advances; requests for sexual favors; taking, sending, or receiving sexually explicit videos, pictures, or auditory recordings by any means; and other verbal or physical conduct or communication of a sexual nature.
 - o. Selling, using, or possessing obscene material.
 - p. Possession of matches or lighters by students.
 - q. BOCES is a tobacco free environment. As such, smoking a cigarette, cigar, pipe, electronic cigarette, or any other nicotine delivery device, or using chewing, smokeless, or any other tobacco product and/or visibly displaying such items and/or distributing any such items, is strictly prohibited. Smoking is also prohibited on BOCES property and within one hundred (100) feet from the boundary of any elementary or secondary school.
 - r. Inappropriately using or sharing prescription drugs, inhalants, or over-the-counter drugs.
 - s. Gambling.
 - t. Provoking and/or encouraging and/or inciting others to commit any of the acts prohibited by this Code.
2. Engage in conduct that is insubordinate. Examples of this conduct include:
 - a. Failing to comply with the reasonable directions of teachers, school administrators, or other school employees in charge of students or otherwise demonstrating disrespect.
 - b. Lateness to, missing, or leaving class or school without permission.
 - c. Skipping detention.
 - d. Lying to school personnel.
 3. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.
 4. Engage in any form of academic misconduct. Examples of this misconduct include:
 - a. Plagiarism
 - b. Cheating
 - c. Copying
 - d. Altering records
 - e. Assisting another student in any of the above actions
- E. Engage in conduct constituting a crime which is committed off school premises or at non-school sponsored activities to the extent that the District Superintendent (including designee) or BOCES Board of Education believes that the continued attendance in school of the student would adversely affect the educative process (e.g., disrupts the operation of the school) or constitutes an endangerment to the health, safety, welfare, or morals of the student and/or others in our schools.

- F. Engage in off-campus misconduct that creates or would foreseeably create a risk of substantial disruption of the educational process in school or at a school function, whether on or off of BOCES property. Examples of this misconduct including:
 - a. cyber-bullying (i.e., any act of discrimination or harassment through the use of any form of electronic communication).
 - b. threatening or harassing students or school personnel over the phone or other electronic medium.

A student may be subject to discipline for criminal conduct which is committed off of school premises or at non-school sponsored activities to the extent that the Superintendent of Schools or Board of Education believes that the continued attendance in school of the student would adversely affect the educational process (e.g., disrupt operation of the school) or constitute an endangerment to the safety of themselves or others in our schools. A student may be subject to discipline for off-campus misconduct that does not involve criminality that the District Superintendent or Board of Education reasonably believes has a nexus to the educational process (i.e., student-student, student-personnel, interactions that foreseeably would have a detrimental or disruptive effect upon school programs or activities).

VII. Reporting Violations

All students are expected to promptly report serious violations of this Code (such as weapons possession, bomb threats, any violent act) to a teacher, counselor, the program administrator or his or her designee.

Students who believe they have been harassed or discriminated upon due to their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex are to report allegations to the Dignity Act Coordinator(s) who will investigate all complaints and take prompt corrective action, as necessary.

All BOCES staff that is authorized to impose disciplinary sanctions is expected to do so in a prompt, fair and lawful manner. BOCES staff member who is not authorized to impose disciplinary sanctions shall report violations of this Code to their supervisor in a timely manner, who shall, in turn, impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. The program administrator or his or her designee must notify the parents of the student and the student's home school of serious Code violations.

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.

The program administrator 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 program administrator or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated this Code and constituted a crime.

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee or student on school grounds or at a school function who reports such information to school

officials, the Commission or law enforcement who reports and acts in good faith shall be immune from civil liability from making such a report.

In addition, all complainants; who participate in the investigation of a compliant in conformity with state law and district policies, or who are required to testify, participate, or assist in the investigation procedure shall be free from retaliation of any kind and who have acted reasonable and in good faith, have the right to be free from retaliation of any kind.

VIII. Disciplinary Penalties, Procedures, and Referrals

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair, and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education (CSE) and discipline, if warranted, shall be administered consistent with the separate requirements of this Code for disciplining students with a disability or presumed to have a disability.

A. Penalties for Violations of the Code

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

1. Oral warning – any member of the staff.
2. Written warning – bus drivers, counselors, teachers, program administrators, District Superintendent (or designee).
3. Written notification to parent – bus driver, counselors, teachers, program administrators, District Superintendent (or designee).
4. Detention – teachers, program administrators, District Superintendent (or designee).
5. Suspension from transportation – program administrators, District Superintendent (or designee).
6. Suspension from athletic participation – coaches, program administrators, District Superintendent (or designee).
7. Suspension from social or extracurricular activities – activity director, program administrators, District Superintendent (or designee).
8. Suspension of other privileges – program administrators, District Superintendent (or designee).
9. In-school suspension – program administrators, administrators, District Superintendent (or designee).
10. Removal from classroom by teacher – teachers, program administrators.

11. Short-term (five school days or less) suspension from school – program administrators, District Superintendent (or designee).
12. Long-term (more than five school days) suspension from school – superintendent of schools of the student’s home district, District Superintendent (or designee).
13. Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 or any other weapon (subject to the right of the Superintendent to modify such penalty) or, in the case of a student with a disability whose possession of a weapon is determined not to be related to his/her disability, placement in an interim alternative educational setting for a period of up to 45 school days, District Superintendent (or designee).
14. Placement in an interim alternative educational setting for a period of up to 45 school days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance or inflicting a serious bodily injury to another person at a school or a school function is determined not to be related to his/her disability, District Superintendent (or designee).
Permanent suspension from school – superintendent of component district, District Superintendent (or designee).

B. Remediation for Acts of Discrimination and Harassment

Violations deemed by the Dignity Act Coordinator (s) to be acts of harassment or discrimination (which includes bullying and cyber-bullying) based on the aforementioned protected areas will be dealt by the use of measured, balanced, and age-appropriate consequences. Remediation will focus on prevention, intervention and education. As such remedial responses will focus discipline on discerning and correcting the reasons why the discrimination and harassment occurred, prevention of another occurrence of the same or similar behavior, and protection of the target of the act(s). Appropriate remedial measures may include, but are not limited to:

1. Peer support groups; corrective instruction or other relevant learning or service experience
2. Supportive intervention;
3. Behavioral assessment or evaluation;
4. Behavioral management plans, with benchmarks that are closely monitored; and student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may be used to prevent discrimination and harassment. Environmental remediation strategies may include:

1. Supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment and bullying;
2. School and community surveys or other strategies for determining the conditions of contributing to the relevant behavior;
3. Adoption of research-based, systemic harassment prevention programs;
4. Modification of schedules
5. Adjustment in hallway traffic and other student routes of travel;
6. Targeted use of monitors;
7. Staff professional development;
8. Parent conferences;
9. Involvement of parent-teacher organizations; and
10. Peer support groups.

C. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to

impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention

Teachers, program administrators and the District Superintendent (or designee) may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty, and the student has appropriate transportation home following detention.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is required to bring all such misconduct to the appropriate administrator's attention. Student(s) who become a serious disciplinary problem may have their riding privileges suspended. This is usually done by the home school district consistent with their procedures in conjunction with the BOCES.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the program administrator or designee to discuss the conduct and the penalty involved.

3. Suspension from Extracurricular Activities and Other Privileges

A student subjected to a suspension from extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-School Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes program administrators and the District Superintendent (or designee) to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension." A student in in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the BOCES official imposing the in-school suspension to discuss the conduct and the penalty involved.

In-school suspension is considered a lesser discipline than out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her work while attempting to reinforce acceptable behavior, attitudes and personal interactions.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management

techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “time out;” (2) sending a student to a counselor or other staff member for counseling; (3) sending a student to the program administrator’s office for the remainder of the class time only. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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

A classroom teacher may remove a disruptive student from their class for up to two (2) school days. The removal from class applies to the class of the removing teacher only.

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.

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 within twenty-four (24) hours.

The teacher must complete the appropriate disciplinary removal form and meet with the program administrator or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the program administrator or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the program administrator or designee prior to the beginning of classes on the next school day.

Within twenty-four (24) hours after the student’s removal, the program administrator or designee must notify the student’s parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the program administrator or his or her designee to discuss the reasons for the removal. The program administrator may require the teacher who ordered the removal to attend the informal meeting.

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 twenty-four (24) hours of the student’s removal 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 parents.

If, at the informal meeting the student denies the charges, the program administrator or 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. The informal meeting must be held within forty-eight (48) hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and program administrator.

The program administrator or designee may overturn the removal of the student from class if the program administrator finds any one of the following is determined:

- The charges against the student are not supported by substantial evidence.
- The student's removal is otherwise in violation of law, including this Code.
- The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The program administrator 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 forty-eight (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 program administrator makes a final determination, or the period of removal expires, whichever is less.

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.

Each teacher must keep a complete log (on a BOCES provided form) for all cases of removal of students from his or her class. The program administrator must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, when the number of days of removal and/or suspension reaches a total of six (6), the program administrator will communicate with the local district CSE chair to verify that continued removal does not violate the student's rights.

6. Suspension from School

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.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the District Superintendent (or designee) and the program administrators (who, for the purpose of suspension, are appointed by the Board as Acting Principals).

Any staff member may recommend to the superintendent or the program administrator that a student be suspended. All staff members must immediately report and refer a violent student to the program administrator or the District Superintendent for a violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying 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.

The program administrator, 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.

a. Short-Term (5 school days or less) Suspension from School

When the program administrator (referred to as the “suspending authority”) determines to suspend a student charged with misconduct for five (5) school days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. 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 twenty-four (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/guardian/person in a parental relationship.

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 program administrator. The BOCES will strive to use the dominant language or mode of communication used by the parent(s) for the notice and informal conference. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the program administrator may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a 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 practicable.

After the conference, the program administrator shall promptly advise the parent(s) in writing of his or her decision. The program administrator 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 District Superintendent (or designee) within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so. The District Superintendent (or designee) shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the District Superintendent’s (or designee’s) decision, they must file a written appeal to the P/NW BOCES Board of Education with the P/NW BOCES District Clerk within ten (10) business days of the date of the District Superintendent’s (or designee’s) decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board of Education may be appealed to the NYS Commissioner of Education within thirty (30) days of the decision.

Short-term suspension of a student with a disability, under certain circumstances, may constitute a change in the student’s placement. Accordingly, when the number of days of removal and/or suspension reaches a total of six (6), the program administrator will communicate with the home school district’s Committee on Special Education (CSE) chairperson to verify that continued removal does not violate the student’s rights.

b. Long-Term (more than 5 school days) Suspension from School or Permanent Suspension

When the program administrator determines that a suspension for more than five (5) school days may be warranted, the matter will be referred immediately to the appropriate official in the student's home school district for a determination. If the home school district determines that a suspension is not warranted, the BOCES District Superintendent is also authorized to impose a suspension beyond five (5) school days.

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.

7. Suspension from Home School

If a BOCES student, who spends a portion of his/her day in their home school, is suspended by the home school, that suspension may be honored by BOCES, based on communication with that district.

8. Procedure after Suspension

When a student has been suspended from school and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is reasonably equivalent to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be reduced or revoked by the District Superintendent or the Board whenever it appears to be in the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation upon the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Minimum Periods of Suspension

1. Students who bring a weapon to school

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 (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The District Superintendent (or designee) has the authority to modify the one (1) year suspension on a case-by-case basis. In deciding whether to modify the penalty, the District Superintendent (or designee) may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The District Superintendent's (or designee's) belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

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, will be suspended from school for at least three (3) school days.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

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 suspended from school for at least two days. For purposes of this Code, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teachers pursuant to this Code on four (4) or more occasions during a semester.

D. Referrals

1. Counseling:

Students will be referred to the appropriate counseling personnel in each department.

2. Intervention:

School-based intervention services shall be made available to all students and provided by professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

- a. Counseling of students in groups and as individuals on alcohol and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.
- b. Referring students to community or other outside agencies when their use/abuse of alcohol and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services.
- c. Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol and other substance use/abuse.
- d. Ensuring confidentiality as required by state and federal law.

3. PINS Petitions:

The student's home school district may file a Person In Need of Supervision (PINS) petition in Family Court on any student under the age of eighteen (18), in most cases it is the student's home district, with the assistance of BOCES officials, that files a petition on a student who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. 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.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

4. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of sixteen (16) who is found to have brought a weapon to school, or

- b. Any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The District Superintendent (or designee) is required to refer students age sixteen (16) and older or any student fourteen (14) or fifteen (15) years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

E. Prohibition of Retaliatory Behavior

(This provision is intended to protect students who initiate complaints of discrimination or harassment (commonly known as “Whistle Blower” protection))

Any person who has reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school sanctioned activities, including off-campus events, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

IX. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the student’s home school district will take immediate steps to provide alternative means of instruction for the student.

X. Discipline of Students with Disabilities

The Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problematic behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board also recognizes that the home school district of a student with a disability, through the Committee on Special Education (CSE) and superintendent of schools of the student’s home school district, have the legal responsibility for making decisions relative to procedures of due process rights. Accordingly, any serious Code violation (i.e. a violation that would result in a suspension of more than five (5) school days for a non-disabled student) will be reported immediately to the home school district CSE. All BOCES personnel will work cooperatively with the home school in this regard.

XI. Corporal Punishment/Reasonable Physical Force

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

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is permitted for the following reasons:

1. Self-protection;
2. Protection of others;
3. Protection of property; or
4. Restraining/removing a disruptive student.

Such emergency intervention shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. Emergency interventions shall not be used as punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior. The BOCES will file all complaints about the use of corporal punishment with the NYS Commissioner of Education in accordance with NYS Commissioner's Regulations.

XII. Student Searches and Interrogations

The Board 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. 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.

In addition, the Board authorizes the District Superintendent (or designee), building administrator and the school nurse to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the Code. In conducting a search, the building administrator may use a portable metal detector when appropriate. Under no circumstances are strip searches permitted by BOCES personnel.

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.

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. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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.

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

A. Student Lockers, Desks and Other School Storage Places

The rules in this Code 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.

B. Documentation of Searches

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

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

C. Results of a Search

Any suspicious or illegal substances, devices, and/or weapons or those reasonably thought to be such items found as a result of a search must be secured by an Administrator at all times, who will contact the District Superintendent (or designee) for further direction. In emergency circumstances, the Administrator must act immediately with the safety and welfare of the students and staff in mind.

The program administrator or his/her designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The program administrator or designee shall clearly label each item taken from the student and retain control of the item(s) at all times until the item(s) is turned over to home district or the police. The program administrator or designee shall be responsible for ensuring secure delivery of dangerous or illegal items to the home district or the police authorities or to the appropriate agency for disposal.

D. Police Involvement in Searches and Interrogations of Students

BOCES 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:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function;
or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building program administrator or 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 program administrator or designee will also be present during any police questioning or search of a student on school property or at a school function.

E. Child Protective Services Investigations

Consistent with the BOCES 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, maltreated, or neglected, 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, maltreatment, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the program administrator. The program administrator or designee shall verify the child protective services worker's credentials, and set the time and place of the interview. The program administrator 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. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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 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 immediate danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIII. Visitors to the Schools

The Board encourages parents to visit the schools and classrooms 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 program administrator 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 main office of the school upon arrival at the school. There they will be required to sign the visitor's register and, show picture identification, and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the 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 who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s) and program administrator, so that program and class disruption are kept to a minimum. The request may or may not be granted.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the program administrator. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.

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 school property and at school functions. For purposes of this section of this Code, "public" shall mean all persons when on school property or attending a school function including students, teachers, and district personnel.

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

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school 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 school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including vandalism, graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs, or other school activities.
4. Distribute or wear materials on school grounds or at school 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 based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex.
6. Enter any portion of the school 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, illegal drugs (including synthetic drugs such as synthetic cannabinoids) or be under the influence of any of such items on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, whether on or off school property, except in the case of law enforcement officers or except as specifically authorized by the BOCES, whether or not a license to possess the same has been issued to such person.
11. Loiter on or about school property.
12. Gamble on school property or at school functions, unless conducted pursuant to the Games of Chance law.
13. Refuse to comply with any reasonable order of identifiable school district 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 Board policy while on school property or while at a school function.
16. Smoke cigarettes (including electronic cigarettes and other nicotine delivery devices), cigars or pipes or use or distribute such items or other tobacco-related products while on BOCES property.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. 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 four (4) and five (5). 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

The program administrator shall be responsible for enforcing the conduct required by this Code.

When the program administrator 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 program administrator shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The program administrator or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the program administrator shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

The Board will work to ensure that the community is aware of this Code including, but not limited to:

1. Providing copies of a summary of this Code to all students at a general assembly held at the beginning of each school year.
2. Making copies of the Code available to all parents at the beginning of the school year.
3. Mailing a summary of this Code written in age appropriate, plain language to all parents of BOCES students before the beginning of the school year and make this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code when they are first hired.
6. Making copies of this Code available for review by students, parents, and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of this Code. The District Superintendent (or designee) may solicit the recommendations of the BOCES staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The BOCES will review this Code every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the district's response to Code violations. The committee will be made up of representatives of student, teacher, administrator, parent organizations, school safety personnel, and other school personnel.

Before adopting any revisions to this Code, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

The Code and any amendments to it will be filed with the NYS Commissioner of Education no later than thirty (30) days after adoption.