



BOCES
Caring. Confident. United.

Code of Conduct

2022-23

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I. INTRODUCTION

1. The Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES ("BOCES") is committed to providing a safe and orderly environment for its students, personnel, parents/guardians and visitors, without disruption or interference. The BOCES Board expects all its students, personnel, parents/guardians and visitors to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of others, and for the care of facilities and equipment. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. Responsible behavior by students, personnel, parents/guardians and visitors is essential to achieving success with this commitment.
2. The Board recognizes the need to be clear and specific in expressing its expectations for conduct while on BOCES Property or engaged in a BOCES Function. The rules of conduct listed herein are intended to promote responsible behavior and to focus on safety and respect for the rights and property of others. To this end, the Board adopts this Code of Conduct ("Code").
3. Unless otherwise indicated, this Code applies to all students, personnel, parents/guardians and visitors when on BOCES Property or attending a BOCES Function.
4. BOCES may initiate disciplinary action against any students, personnel, parents/guardians and visitors, as appropriate, consistent with the Code herein. In addition, BOCES reserves its right to pursue all available civil or criminal legal action against any person violating the Code.

II. SURVEILLANCE NOTIFICATION

The BOCES employs the use of surveillance cameras in its buildings, facilities, and on its grounds in accordance with Board policy. All recordings are the sole property of the BOCES. All persons on BOCES property are on notice that such recordings occur and are retained by the BOCES as permitted by law.

III. USE OF SERVICE ANIMALS

The Board allows the use of service animals by individuals who are permitted such use under Federal or State law, and pursuant to the BOCES policies. All requests for the presence of service animals should be directed to the building administrator at BOCES where use of the service animal is requested.

IV. STUDENTS' RIGHTS AND RESPONSIBILITIES

A. INTRODUCTION

The Board is committed to safeguarding the rights given to all students under State and Federal Law and BOCES policy. BOCES' aim is to provide an environment of mutual respect, where a student's rights and freedoms are recognized, and to provide opportunities which stimulate and challenge the student's interests and abilities. In addition to these rights, students are equally responsible to behave in an appropriate, civil and respectful manner regarding their interactions and communications amongst themselves, other students, teachers, administrators, other employees, and visitors.

B. STUDENT RIGHTS

Students have a right to:

1. A free public school education as provided by law, which offers the opportunity for student inquiry and development.
2. Be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior
3. Receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs.
4. Receive professional instruction, from a staff that exhibits a positive role model.
5. Receive guidance, counseling and advice for personal, social, educational, career and vocational development.
6. Access school rules and, when necessary, receive an explanation of those rules from school personnel. Be provided a summary of the Code at the beginning of the school year or upon admission to the BOCES.

C. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. A failure to behave responsibly may lead, in accordance with the Code, to disciplinary measures.

Students have a responsibility to:

1. Attend school regularly and punctually and make every effort to achieve in all areas of their education. Be prepared for class with appropriate materials and properly maintain textbooks and other school equipment.
2. Help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol. Behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn.
3. Share information with school officials regarding matters which may endanger the health and welfare of members of the school community.
4. Respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others. Show respect for school property and respect the property of others, both private and public.
5. Be polite, courteous and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, weight, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these criteria.
6. Behave in a polite, truthful and cooperative manner toward students and staff. Use non-confrontational methods to resolve conflicts.
7. Refrain from obscene and defamatory communication in speech, writing and other modes of expression, including electronic expression, in a manner which does not interfere with others rights and the educational process.
8. Provide leadership to encourage fellow students to follow established school policies and practices.
9. Keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.
10. Be familiar with the BOCES Code and abide by school and program rules and regulations.

V. ESSENTIAL PARTNERS

Providing a safe and orderly school environment involves a partnership of visitors, parents and school personnel. Everyone is expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex.
2. Address personal biases that may prevent equal treatment of other people while on BOCES property or at a BOCES function.
3. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any BOCES student or employee or any person who is lawfully on BOCES Property or at a BOCES Function, or off BOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the BOCES environment or where it is foreseeable that the conduct might reach BOCES Property.

A. PARENTS/GUARDIANS

All parents/guardians are expected to:

1. Recognize that the education of their child/children is a joint responsibility of the parents/guardians and the school community.
2. Keep communication open with BOCES, informing BOCES officials of changes in the home environment that may affect behavior and performance in school.
3. Ensure their children attend school regularly, on time, and prepared to participate and learn. Absences are only for legal reasons in accordance with BOCES policy.
4. Know school rules and help their children understand that appropriate rules are required to maintain a safe, orderly environment. Insist their children be dressed and groomed in a proper manner consistent with the dress code.
5. Maintain a climate of mutual respect with staff, other parents, and children by communicating effectively and appropriately.
6. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the parent's attention, to a BOCES employee in a timely manner.

B. TEACHERS AND TEACHING ASSISTANTS

The role of the teachers and teaching assistants employed by BOCES is to:

1. Be prepared to teach and provide academic support. Demonstrating an interest in teaching, academic support and concern for student achievement.
2. Communicate to students and parents or guardians:

- Expectation for students, classroom rules and classroom discipline;
 - Course objectives and requirements; and
 - Assignment deadlines, marking and grading procedures.
3. Seek appropriate resources to affect positive change in student behavior. Be knowledgeable of and employ effective classroom and building management student support systems that meet the needs of students. Make disciplinary referrals as conditions warrant and report violent students to the Principal or Program Administrator.
 4. Participate in BOCES efforts to provide adequate supervision in all instructional spaces.
 5. Follow the chain of command for various administrative procedures.
 6. Orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by BOCES no later than two (2) school days after making the oral report.
 7. Know BOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code.
 8. Demonstrate dependability, integrity, and other standards of ethical conduct. Adhering to the BOCES Code and the Code of other districts in which BOCES employees are providing services.

C. BOCES SUPPORT PERSONNEL

BOCES Support Personnel are expected to:

1. Perform specialized and non-pedagogical duties that support the operational functioning of the program. Maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law and BOCES policy.
2. Help students understand BOCES expectations for maintaining a safe, orderly environment.
3. Participate in BOCES efforts to provide adequate supervision in all BOCES spaces.
4. Maintain confidentiality about all personal information and educational records in accordance with Federal and State law and Board Policy.
5. Follow the chain of command for various administrative procedures.
6. Report violent students to the teacher or Principal.

7. Orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by BOCES no later than two (2) school days after making the oral report.
8. Know BOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code.
9. Demonstrate dependability, integrity, and other standards of ethical conduct. Adhering to the BOCES Code and the Code of other districts in which BOCES employees are providing services.

D. BUILDING ADMINISTRATORS/PRINCIPALS

All Building Administrators/Principals are expected to:

1. Promote a safe, orderly, and academically stimulating learning environment that supports active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn.
2. Follow up on any incidents of discrimination and harassment that are witnessed, or otherwise brought to his/her attention, in a timely manner in collaboration with the Dignity Act Coordinator.
3. Ensure that students and employees have the opportunity to communicate regularly with the Principals and the opportunity to approach the Principals to address grievances.
4. Evaluate all instructional programs for which they are responsible on a regular basis.
5. Disseminate the Code, rules and anti-harassment policies. Assure that the employees under their supervision conform to the Code and BOCES policies.
6. The principal of each BOCES building is delegated the authority to establish standards of conduct and rules for local matters, school building activities, and the granting or withholding of student privileges. These standards and rules may include procedures for student assemblies, emergency drills, conduct in building hallways, and school driving and parking privileges. The rules are subject to the approval of the Superintendent.
7. Be responsible for enforcing the Code and ensuring that all cases of misconduct are resolved promptly and fairly.

8. Ensure that student management system support the needs of students enrolled in their building.
9. Maintain confidentiality about all personal information and educational records in accordance with Federal and State law and Board Policy.
10. Participate in BOCES efforts to provide adequate supervision in all BOCES spaces.
11. Demonstrate dependability, integrity, and other standards of ethical conduct. Adhering to the BOCES Code and the Code of other districts in which BOCES employees are providing services.
12. Provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the District Superintendent or his/her designee.
13. Follow the chain of command for various administrative procedures.

E. DIRECTORS AND MANAGERIAL PERSONNEL

All directors, and managerial personnel are expected to:

1. Promote a safe, orderly, and academically stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn.
2. Maintain a climate of mutual respect and dignity for all students and staff.
3. Orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by BOCES no later than two (2) school days after making the oral report.
4. Provide specialized instructional and/or administrative services to BOCES and participating districts.
5. Assure that the employees under their supervision conform to the Code and BOCES policies.
6. Maintain confidentiality about all personal information and educational records in accordance with Federal and State law and Board Policy.
7. Participate in BOCES efforts to provide adequate supervision in all BOCES spaces.

8. Demonstrate dependability, integrity, and other standards of ethical conduct. Adhering to the BOCES Code and the Code of other districts in which BOCES employees are providing services.
9. Follow the chain of command for various administrative procedures.

F. THE DISTRICT SUPERINTENDENT

The role of the District Superintendent is to:

1. Promote a safe, orderly, and academically stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn.
2. Inform the Board of Education about new developments and trends relating to the discipline of students.
3. Work with administrators to maintain a well trained staff at all levels.
4. Work with component districts and BOCES administrators to provide specialized instructional and/or administrative services to BOCES and participating districts.
5. Keep the community well informed of BOCES activities through regular publications, announcements, meetings and other appropriate forms of communication.
6. Support the staff by enforcing student discipline in accordance with the Code and New York State Law. Be fair and consistent in rendering decisions regarding students whose behavior problems have been referred to the Superintendent.
7. Collaborate with student, teacher, administrator, and parent organizations, BOCES safety personnel and other BOCES personnel to maintain this Code in a manner that clearly defines expectations for the conduct of students, BOCES employees, and visitors on BOCES property and at BOCES functions.
8. Review at least annually the BOCES Code to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
9. Demonstrate dependability, integrity, and other standards of ethical conduct. Adhering to the BOCES Code and the Code of other districts in which BOCES employees are providing services.
10. Confront issues of bullying, 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.

G. THE BOCES BOARD OF EDUCATION

The role of the BOCES Board of Education is to:

1. Lead by example by conducting board meetings in a professional, respectful, and courteous manner.
2. Promote a safe, orderly, and academically stimulating environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn.
3. Employ and maintain a well trained staff at all levels.
4. Keep the community well informed of BOCES activities through regular publications, announcements, meetings, and other appropriate forms of communication.
5. Enforce student and staff discipline in accordance with district policies and the requirements of New York State Law.
6. Be fair and consistent in rendering decisions regarding the discipline of students who have appealed to the Board of Education.
7. Encourage and provide opportunity for parent and community involvement.
8. Collaborate with student, teacher, administrator, and parent organizations, BOCES safety personnel and other BOCES personnel to maintain this Code in a manner that clearly defines expectations for the conduct of students, BOCES employees, and visitors on BOCES Property and at BOCES Functions.
9. Adopt and review at least annually the BOCES Code to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
10. Maintain confidentiality about all personal information and educational records in accordance with Federal and State law and Board Policy.

VI. DIGNITY FOR ALL STUDENTS ACT

1. The goal of the Dignity for All Students Act (DASA) is to create a safe and supportive school climate where students can learn and focus, rather than fear being discriminated against, intimidated, taunted, harassed, or bullied.
2. DASA prohibits acts of harassment and bullying, including cyberbullying and/or discrimination, by employees or students on school property, a school function, and off premise misconduct based on a student's actual or perceived race, color, weight,

national origin, ethnic group, religion, religious orientation, gender (defined to include gender identity and expression), or sex.

- BOCES will respond to cyberbullying that happens on school property or at a school function; or happens off school property but creates a substantial disruption to the learning environment or when the threats, intimidation, or abuse impact (or could impact) the school environment.
 - Any person who experiences, witnesses, or is told about bullying/discrimination can make a report.
 - BOCES employees are required to report any bullying/discrimination they witness or are told about.
3. BOCES encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all BOCES staff who become aware of this behavior to timely report it to a Principal, Principal's Designee, or DASA Coordinator.

4. If you witness or experience harassment, bullying, cyberbully and/or discrimination, a complaint can be filed with the DASA Coordinator at these BOCES buildings and program locations:

Bohlen Center DASA Coordinator
20104 State Route 3
Watertown, NY 13601
Telephone (315) 779-7200

ACES DASA Coordinator
Jefferson County
20104 State Route 3
Watertown, NY 13601
Telephone: (315) 779-7233

H.G. Sackett DASA Coordinator
5836 State Route 12
Glenfield, NY 13343
Telephone (315) 377-7304

ACES DASA Coordinator
Lewis County
5439 Shady Ave
Lowville, New York 13367
Telephone: (315) 377-7365

A DASA complaint form and additional information is located on our website, please visit our website at BOCES.com

VII. DRESS CODE

1. The intent of the dress code is to foster an environment that is safe and conducive to teaching, learning and working. All students, staff, and visitors are expected to give necessary attention to dress, footwear, grooming, and appearance, including hair style, and jewelry appropriate for classes, programs, functions, and work.
2. Teachers and all other employees should exemplify and reinforce acceptable dress to help students develop an understanding of appropriate appearance in the BOCES setting and functions so as to not interfere with teaching, learning and working. Nothing herein shall extend or impose dress restrictions contrary to an employees' collective bargaining agreement.
3. Students and their parents/guardians have the primary responsibility for ensuring acceptable student dress and appearance.
 - a. Students are to dress in clothes that promote a safe and respectful learning environment. Clothing and footwear will be safe and appropriate so that it does not disrupt or interfere with the educational process.
 - b. All students are expected to dress according to their program, career, or technical field of study and comply with those program's clothing, headwear, and footwear requirements.
 - c. The following general rules shall apply to students:

- i. Headwear – Only for health, safety, or religious reasons.
 - ii. Shoes – No bare feet. Footwear shall be worn at all times, and shall be appropriate with regard to the student’s educational program (footwear that is a safety hazard will not be allowed).
 - iii. Clothing – Clothing cannot:
 - (1) Show profanity, obscenity, violence, or symbols of hate;
 - (2) Promote alcohol, tobacco, or drugs;
 - (3) Promote gang colors or gang-related signs;
 - (4) Show underwear; and
 - (5) Show bare skin between upper chest and mid-thigh.
 - d. Examples of inappropriate dress:
 - i. baseball caps;
 - ii. midriffs;
 - iii. pajamas;
 - iv. tank tops; or
 - v. tobacco or alcohol brand t-shirts.
- 4. Individuals who violate the dress code may be asked to cover or remove the offending item, or to replace it with an acceptable article of clothing or footwear.
 - a. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.
 - b. Employees shall be subject to discipline consistent with their collective bargaining agreement or handbook.
 - c. Visitors who refuse a request by the building administrator to cover, remove or replace the offending item shall be subject to removal from BOCES property or the BOCES function, as the case may be.

VIII. PROHIBITED CONDUCT

Violations and definitions of misconduct set forth in this Code are not meant to be all-inclusive. Any conduct not defined in this Code that violates any BOCES published policies, rules, and regulations, as well as any conduct that violates any Federal and State Law not explicitly mentioned in this Code will also constitute prohibited conduct. A glossary of terms is located at the end of the Code and should be used in conjunction with the violations which are listed below.

The following conduct shall be deemed inappropriate and unacceptable on BOCES Property or at a BOCES function:

- A. Disruptive and Insubordinate Conduct;
- B. Violent and Disorderly Conduct;

- C. Conduct that Endangers the Safety, Morals, Health, or Welfare of Others and Offenses against Public Order;
- D. Misconduct while on a BOCES Bus/Vehicle;
- E. Academic Misconduct; and
- F. Misconduct off BOCES Property.

A. DISRUPTIVE AND INSUBORDINATE CONDUCT

It is a violation of the BOCES Code for students, personnel, and/or visitors to cause a disruption and/or act in act insubordinate to a lawful directive. Examples of disruptive and insubordinate conduct include, but are not limited to:

1. Dishonesty, including, but not limited to fabricating of information or knowingly furnishing false information to BOCES, electronic tampering, forgery, alteration or use of BOCES documents or instruments of identification with intent to defraud, reporting a false emergency, giving false identification or aliases.
2. Disruption, obstruction or interference of teaching, research, administration and administrative processes, services or other BOCES activity, whether said activities occur on or off BOCES Property.
3. Engaging in intentional obstruction, which unreasonably interferes with freedom of movement whether pedestrian or vehicular, on BOCES Property or at BOCES sponsored or supervised functions.
4. Engaging in conduct which is disorderly, lewd, or indecent; which breaches the peace, or which aids, abets, solicits or importunes others to breach the peace on BOCES Property or at BOCES functions.
5. Engaging in conduct which leads or incites others to disrupt schedules and/or normal activities within any area of the BOCES Property.
6. Failing to comply with the BOCES dress code.
7. Failing to comply with driving and parking rules, regulations, directives, and/or not obeying posted parking, and/or speed directives.
8. Misusing Digital Information Systems.
9. Obstruction of administration, failure to comply with, obstruction of, or resistance to, the directives of BOCES officials, security, or law enforcement officers acting in performance of their duties, including refusing to identify oneself to these persons when requested to do so.

10. Participate in a demonstration which disrupts the normal operation of BOCES and/or infringes on the rights of other members of the BOCES community;
11. Trespassing.
12. Truancy, being illegally absent from school without the knowledge and consent of a parent/guardian, failing to attend school when student's attendance is scheduled/mandated, failing to attend classes.
13. Excepted as otherwise directed or permitted by their instructor, using personal electronic devices during the instructional day, such as cellular telephones, pagers, beepers, walkie-talkies, personal digital assistants (PDAs), music players, video games, and camera or other electronic devices.

B. VIOLENT AND DISORDERLY CONDUCT

It is a violation of the BOCES Code for students, personnel, and/or visitors to act in a manner which is violent and/or disorderly. Violent and disorderly conduct is defined as including, but not being limited to:

1. Any act which is substantially disruptive of the educational process or substantially interferes with a teacher's authority over the classroom.
2. Any act which endangers the health and safety to one's self or others.
3. Violent Conduct - No person, either singly or in concert with others, shall willfully engage in a crime of violence or cause physical injury to any other person, nor threaten to do so. Examples of violent and disorderly conduct include, but are not limited to:
 - a. Arson
 - b. Assault with Serious Physical Injury
 - c. Assault with Physical Injury
 - d. Bomb Threat
 - e. Mischief
 - f. False Alarm
 - g. Homicide
 - h. Intimidation, Harassment, Menacing, or Bullying;
 - i. Kidnapping
 - j. Burglary, Larceny, Robbery or Theft;
 - k. "Minor Altercations Involving Physical Contact and No Physical Injury" means striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm, or seriously annoy another person, but no physical injury results.
 - l. Possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products, or illegal substances and/or

- controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs, or being under the influence of any of these, on BOCES Property or at an BOCES Function.
- m. Possessing, consuming, selling, distributing, or exchanging anything that appears to be an illegal or prohibited substance.
 - n. Reckless Endangerment
 - o. Riot
 - p. Sexual Offenses and/or Sexual Assault
 - q. Unlawful Surveillance
 - r. Weapon Possession. With the exception of police officers or other law enforcement officials acting in the performance of their duties, while on BOCES Property possess, use, or manufacture a firearm or other weapon, including explosives, knives, dangerous chemicals, fire-bombs and other destructive devices, to include their possession/storage in a vehicle on BOCES property.

C. CONDUCT THAT ENDANGERS THE SAFETY, MORALS, HEALTH, OR WELFARE OF OTHERS AND OFFENSES AGAINST THE PUBLIC ORDER

It is a violation of the BOCES Code for students, personnel, and/or visitors to that endangers the safety, morals, health, or welfare of others, or is an offense against the public order and operation of the BOCES. Examples of such conduct include, but are not limited to:

1. Any conduct which threatens or endangers the health or safety of any person, including behavior that recklessly or intentionally endangers the mental or physical health of another person.
2. Bias
3. Bullying, Intimidation, Harassment, and Cyberbullying.
4. Defamation
5. Discrimination
6. Gang Related Conduct
7. Gambling
8. Hazing
9. Inappropriate touching and/or indecent exposure
10. Inappropriately using, sharing, selling, attempting to sell, distributing, or exchanging prescription and over-the-counter drugs.

11. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing emergency telephone number 911, or inappropriately discharging a fire extinguisher.
12. Sexual harassment.

D. MISCONDUCT WHILE ON A BOCES BUS/VEHICLE

1. It is a violation of the BOCES Code for students, personnel, and/or visitors to conduct one selves in such a manner which creates a distraction, interferes with the safety of others, or is an act of insubordination while on a BOCES bus or vehicle. The safe transportation of students and staff is of primary concern to the Administration. All State and Federal laws and regulations pertaining to the safe use of school buses and other motor vehicles shall be observed by drivers, students and school personnel. It is crucial for students to behave appropriately while being transported by a BOCES bus or vehicle to ensure their safety and that of other passengers and to avoid distracting the driver. Students are required to conduct themselves on the bus/vehicle in a manner consistent with the BOCES Code. Behaviors such as failure to follow driver's instruction, excessive noise, pushing, shoving, fighting, harassment and discrimination will not be tolerated.
2. If a student acts inappropriately on a bus or other BOCES vehicle, the driver will bring such misconduct to the Building Administrator's attention through the disciplinary referral system. Disciplinary measures for misconduct on school buses may include suspending a student from bus riding privileges for extended periods of time when the nature of the offense warrants such action. Parents will be informed by the Building Administrator of the violation and of disciplinary actions taken.

E. ACADEMIC MISCONDUCT

It is a violation of the BOCES Code for students, personnel, and/or visitors to engage in academic misconduct. Examples of academic misconduct include, but are not limited to, committing or assisting another to commit:

1. Altering records;
2. Cheating;
3. Copying others work product; and
4. Plagiarism.

F. OFF BOCES PROPERTY MISCONDUCT

Misconduct off BOCES Property That Interferes with the Educational Process.

BOCES reserves the right to initiate disciplinary proceedings for on- and off-campus incidents and infractions. Generally, jurisdiction and discipline shall be limited to conduct which occurs on BOCES property and/or at BOCES related events on or off campus including, but not limited to, field trips, internships, or any action which adversely affects the BOCES community and/ or the pursuit of its objectives.

Examples of Misconduct occurring off BOCES Property that may be enforced include, but are not limited to:

1. A violation of any Code or policy of a student's home school district which BOCES takes notice of as outlined in the Code.
2. A violation of any Federal or State regulation or statute that substantially endangers the safety, moral, or health of another individual who is part of the BOCES community, including student or staff.
3. Altering records, cheating, copying others work product, and/or plagiarism or assisting another to commit any of the preceding.
4. Acts, threats, intimidation or other conduct off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment.
5. Cyberbullying, threatening or harassing conduct.

IV. STUDENTS DISCIPLINARY CONSEQUENCES AND PROCEDURES

A. STUDENT DISCIPLINE GENERALLY

1. Due to the variety of students that this BOCES serves, it may be necessary at times to have different procedures for students. Some sections apply only to specific students. Those sections which are specific to an individual program, are clearly outlined.
2. Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, BOCES uses a variety of positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities, as well as environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior.
3. Teachers and other BOCES employees are provided in-service education at faculty meetings to ensure effective implementation of these interventions and are involved in the development of building-specific techniques appropriate to the needs of the students educated in their building and/or program.

4. Discipline is most effective when it deals directly with the problem at the time and place it occurs. When structured to most effectively change the student's behavior, there will be a rational relationship between the student's behavior and the consequences of that behavior. While no single method of discipline is recommended or mandated, all discipline is to be humane and appropriate to the situation. BOCES employees who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline. In determining the appropriate disciplinary action, BOCES employees authorized to impose disciplinary consequences will consider the following:
 - The student's age
 - The nature of the offense and the circumstances, which led to the offense
 - The student's prior disciplinary record
 - The effectiveness of other forms of discipline
 - Information from parents/guardians, teachers and/or others, as appropriate
 - Other extenuating circumstances
5. As a general rule, discipline will be progressive. This means that a student's first violation will usually lead to a lighter consequence than subsequent violations.
6. Consistent with the student's right to due process, students who are found to have violated the BOCES Code may be subject to the following penalties and/or consequences, either alone or in combination.
 - Verbal warning
 - Written warning/Written notification to parent
 - Removal from classroom by teacher
 - In-school suspension
 - Suspension from transportation
 - Loss of driving privileges
 - Suspension from social or extracurricular activities
 - Short-term (five days or less) suspension from school
 - Long-term (more than five days) suspension from school
 - Remedial responses, when deemed appropriate by Principal such as behavioral assessment or evaluation; behavioral management plans or behavior contracts, with benchmarks that are closely monitored; or student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.
7. Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. The superintendent has the discretion and authority to modify this penalty.
8. Parents/guardians are powerful partners in their children's behavioral growth and development of acceptable social skills. BOCES realizes that good communication and informative relations between parents/guardians and educators are critical to resolving

discipline issues. The use of sustained, multiple, coordinated interventions at home and at BOCES provide students with the consistency they need to develop appropriate behaviors. Parents/guardians must assist the BOCES employees by reinforcing what constitutes positive classroom behavior and by helping their children understand the connection between their behavior and disciplinary consequences. BOCES recognizes that parental/guardian involvement in the behavioral process is required for their children to develop the behaviors that will ensure success in the educational settings and in life. Therefore, BOCES will provide parents/guardians with regular and early notification by telephone and/or in writing when their child's behavior is becoming problematic.

9. The amount of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence being imposed, the authorized BOCES employee must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized BOCES employee shall provide the student with an opportunity to present his/her version of the facts. At the discretion of the Principal, parents/guardians will be notified verbally and/or in writing, of student violations to the Code that do not rise to the level of suspension.
10. If the conduct of a student is related to a disability or suspected disability, the Committee on Special Education will be notified and discipline, if warranted, shall be administered consistent with the requirements of this Code and Commissioner's regulations for disciplining student with a disability. A student identified, as having a disability will not be disciplined for behavior which constitutes a manifestation of his/her disability unless allowable under the Commissioner's regulations.

B. REMOVAL OF DISRUPTIVE STUDENTS BY A TEACHER

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 appropriate classroom management techniques.
2. On occasion, a student's behavior may become disruptive. 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. What constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the population of students educated within each program operated by BOCES and this Code.
3. Any student removed from the classroom under this section by their teacher will be ensured continued educational programming and activities. BOCES and the home

school district will cooperate to make appropriate arrangements to provide for the student's continued educational programming.

4. The procedural requirements for a removal of a disruptive student by a teacher are:
 - a. The teacher will inform the pupil and the Principal or Principal's Designee of the reasons for removal.
 - b. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation of why he or she is being formally removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after this informal discussion may a teacher formally remove a student from class.
 - c. If the disruptive student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally 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.
 - d. The teacher must complete all required disciplinary referral documentation and meet with the Principal or Principal's Designee as soon as possible, but no later than the end of the instructional day, to explain the circumstances of the removal. If the Principal or the Principal's Designee is not available by the end of the same instructional day, the teacher must leave the documentation with the secretary and meet with the Principal or Principal's Designee prior to the beginning of classes on the next instructional day.
 - e. Within twenty-four (24) hours after the student's removal by a teacher, the Principal or Principal's Designee must notify the student's parent/guardian, in writing, that the student has been formally removed from the class and indicate the reason for the removal. The notice must also inform the parent/guardian 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 formal removal.
 - f. The written notice must be delivered to the last known address of the parent/guardian through one or more of the following means: delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the student's removal by a teacher. Where possible, notice should also be provided by telephone if BOCES has been provided with a telephone number(s) for the purpose of contacting parents/guardians.
 - g. The Principal and/or their designee will provide notice to the student's home school district of the removal from the classroom by a Teacher.

- h. If, at the informal meeting, the student denies the charges, the Principal or the Principal's Designee must explain why the student was formally removed and give the student and the student's parent/guardian a chance to present the student's version of the relevant events.
- i. The Principal shall not set aside the discipline imposed by the teacher unless the Principal finds that the charges against the student are not supported by substantial evidence, that the student's removal is otherwise in violation of law, or that the conduct warrants suspension from BOCES pursuant to this section and a suspension will be imposed. The Principal or Principal's Designee's determination made pursuant to this paragraph shall be made by the close of business on the day succeeding the forty-eight (48) hour period for an informal hearing.

C. IN-SCHOOL SUSPENSION

1. District authorities must balance the need of individual students to attend school and the need to maintain order in the classroom to establish an environment for all students that is conducive to learning. As such, the Board authorizes building principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code violation in "in-school suspension."
2. "In-school suspension" is the temporary reassignment of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education. Reasonable amounts of work assigned must be completed to teacher/administrator satisfaction prior to return to class.
3. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214.

D. SUSPENSION FROM TRANSPORTATION

If a student does not conduct himself/herself properly on a bus or BOCES vehicle, transportation personnel are expected to bring such misconduct to the attention of the Principal or the Principal's Designee. A student who becomes a serious disciplinary problem may have his/her riding privileges suspended by the Principal or the Superintendent. In such cases, the student's parent/guardian will become responsible for seeing that his/her child gets to and from the BOCES safely.

1. If a student has his/her riding privileges suspended by the student's home school district and should the suspension from transportation amount to a suspension from attendance, BOCES and the home school district will cooperate to make appropriate arrangements to provide for the student's continued educational programming.

2. 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/guardian will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's Designee to discuss the conduct and the consequence involved.

E. SUSPENSION FROM OTHER PRIVILEGES

A student subjected to a suspension from participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the BOCES official imposing the suspension to discuss the misconduct and the consequence involved.

F. OUT OF SCHOOL SUSPENSION GENERALLY

1. Suspension from BOCES is a severe consequence, 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 self or others.
2. The Board places primary responsibility for the suspension of students with the Principals (short-term suspension) or the Superintendent or their designee for (long-term suspension).
3. Students who face possible suspension from instruction shall be afforded the procedural protections guaranteed by Education Law §3214 and applicable Commissioner's Regulations.
4. BOCES and a student's home school district will promptly notify one another of any disciplinary actions involving a student.

G. SHORT-TERM SUSPENSION

SHORT TERM SUSPENSION INITIATED BY A STUDENT'S HOME SCHOOL DISTRICT

If a student is under short term suspension in their home school district, their home school district shall promptly notify BOCES of the details of the behavior that led to the suspension, the resulting investigation and subsequent disciplinary determination. BOCES will review the matter and may elect to:

1. Honor the home school district's suspension determination; or
2. May work with the home school district in order for the student to continue his or her BOCES program while suspended from their home school district.

SHORT TERM SUSPENSION INITIATED BY BOCES

1. When the principal proposes to suspend a student charged with misconduct for five (5) days or less pursuant to Education Law §3214(3), he or she must immediately notify the student orally and, if the student denies the misconduct, explain the reasons for the proposed suspension. The principal 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 24 hours of the decision to propose suspension and shall be delivered to 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. Such notice and informal conference shall be in the dominant language or mode of communication used by the parents or persons in parental relation to the pupil.
2. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. The notice must also inform the parent/guardian that the student's home school district has been notified of the proposed suspension so that arrangements can be made for the student's continued educational programming during this suspension. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.
3. 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.
4. After the conference, the principal shall promptly advise the parents, in writing, of his or her decision. The 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 District clerk within ten (10) business days of the date of the decision. The Superintendent shall issue a written decision regarding the appeal within ten (10) business days receiving the appeal. If the parents are not satisfied with the decision of the Superintendent, they must file a written appeal to the Board of Education with the District Board Clerk within ten (10) business days of the date of the Superintendent's decision. The Board of Education will consider the appeal on the documents provided by the District and Parents/Guardians at its next regular meeting in executive session and issue its final written decision as soon as practical. Only final decisions of the Board may be appealed to the Commissioner of Education within thirty (30) days of the Board's decision.

5. Disabled Students: The Principal shall have authority to order the placement of a student with a disability into an appropriate interim alternative educational setting, another setting or suspension for a period not to exceed five (5) consecutive school days, and not to exceed the amount of time that a nondisabled student would be subject to suspension for the same behavior. Any student with a disability who has been suspended for an aggregate total of ten (10) days within a school year for similar misconduct must be referred to the Committee on Special Education of the home school district for a manifestation determination. Students with disabilities and their parents/guardians should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should receive specifics of these legal protections from the CSE of their home district.

H. LONG-TERM SUSPENSION

When a general education student engages in behavior that may warrant a long-term suspension or when a student with a disability engages in behavior that may warrant a Manifestation Determination because the disciplinary action may constitute a disciplinary change of placement, the following procedure shall be followed:

LONG TERM SUSPENSION INITIATED BY A STUDENT'S HOME SCHOOL DISTRICT

If a student is placed on a long term suspension in their home school district, their home school district shall promptly notify BOCES of the details of the behavior that led to the suspension, the resulting investigation and subsequent home school district's Superintendent's determination. The BOCES Superintendent will review the matter and may elect to:

1. Honor the home school district's suspension determination; or
2. May work with the home school district in order for the student to continue his or her BOCES program while suspended from their home school district.

LONG TERM SUSPENSION INITIATED BY BOCES

1. The Principal must initially follow the procedures for short-term suspensions.
2. When BOCES proposes to suspend a student charged with misconduct for more than five (5) days pursuant to Education Law §3214(3), the District Superintendent will provide a written notice of the date and time for a Superintendent's hearing. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure a reasonable notice prior to the date and time of the hearing. The notice shall be delivered to 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. The notice must also inform the

parent/guardian that the student's home school district has been notified of the proposed suspension so that arrangements can be made for the student's continued educational programming during this suspension. The notice will substantially contain the following notice of the student's due process rights:

- The right to be represented by counsel;
 - The right to question witnesses against them;
 - The right to present witnesses or other evidence;
 - The right to have the Superintendent of Schools issue a subpoena for witnesses;
 - The right to testify on their own behalf;
 - The right to have a record of the hearing maintained;
 - The right to the findings of the Superintendent and/or Hearing Officer;
 - The right to review the contents of the student's anecdotal disciplinary record prior to the hearing and rebut its effect;
 - The right to appeal to the Board of Education any decision of the Superintendent of Schools; and
 - The right to appeal to the Commissioner of Education of New York State any decision of the Board of Education.
 - If the Student and/or Parent/Guardian fails to attend this hearing, it will be held in their absence.
4. The hearing will be conducted by the Superintendent or they may designate hearing officer to conduct the hearing. Either shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A recording shall be deemed a satisfactory record. The Superintendent or hearing officer shall make findings of fact, and where a hearing officer presides over the hearing, they shall make recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
 5. General Education Students - After the hearing, if there is substantial evidence to support a determination of guilt then the appropriate penalty may be imposed.
 6. Disciplinary hearings for students with a disability or suspected of having a disability shall be bifurcated into a guilt phase and a penalty phase and conducted in accordance with the following procedures:
 - a. The Superintendent or Hearing Officer shall proceed with the guilt phase and determine whether the student is guilty of the alleged misconduct. If it is determined that the student is guilty of the alleged misconduct, the Superintendent or Hearing Officer shall make a threshold determination of whether a suspension or removal in excess of ten (10) consecutive school days or that would otherwise constitute a disciplinary change in placement should be considered. If

the threshold determination is that such a suspension or removal should be considered, before the Superintendent orders or the Hearing Officer recommends any such removal, the Superintendent's hearing shall be adjourned until a manifestation determination is made by the manifestation team.

- b. The manifestation team, prior to the imposition of a suspension that would constitute a disciplinary change in placement must conduct a review, upon written notification to the parent in a time period which ensures that the parent has an opportunity to attend will meet to determine if:
 - (1) the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
 - (2) the conduct in question was the direct result of the school district's failure to implement the IEP.
- c. Upon a determination by the manifestation team that the behavior of a student with a disability was not a manifestation of the student's disability, such student may be disciplined pursuant to this section in the same manner as a nondisabled student, except that such student shall continue to receive services to the extent required under Federal Law and the Commissioner's Regulations.
- d. Upon receipt of notice of such determination, the Superintendent or Hearing Officer shall proceed with the penalty phase of the hearing. If the manifestation team determines that the behavior was a manifestation of the student's disability, the Superintendent or Hearing Officer shall dismiss the Superintendent's hearing, except as otherwise provided in paragraph (f).
- e. The penalty phase of a Superintendent's Hearing for a student with a disability or a student presumed to have a disability for discipline purposes shall be conducted in the same manner as the penalty phase of a hearing involving a nondisabled student, including the admission of anecdotal evidence of past instances of misconduct. The school district shall assure that copies of the special education and disciplinary records of the student are transmitted to the Superintendent or Hearing Officer for consideration. Such records shall be transmitted whether or not the manifestation team has determined that the student's behavior is a manifestation of the student's disability.
- f. The Superintendent, either directly or upon recommendation of a Hearing Officer may order the change in placement of a student with a disability to an appropriate interim alternative educational setting (IAES) to be determined by the CSE, for up to 45 school days, but not to exceed the period of suspension, for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, where the student:

- (1) has inflicted serious bodily injury, as defined in 8 NYCRR §201.2(m) of the Commissioner's Regulations, upon another person while at school, on school premises or at a school function under the jurisdiction of the educational agency;
- (2) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the educational agency; or
- (3) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the jurisdiction of the educational agency.

I. MINIMUM PERIODS OF SUSPENSION

1. INCIDENTS OF WEAPON'S POSSESION/BRINGING A WEAPON ONTO BOCES PROPERTY

- a. Any student determined to have brought a Weapon onto BOCES Property will be subject to suspension from BOCES for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214.
- b. The Superintendent has the authority to modify the one (1) year suspension on a case-by-case basis. In deciding whether to modify the suspension period, the Superintendent may consider the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/guardians, teachers, and/or others; and other unique/extenuating circumstances.
- c. The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:
 - i. Any student who is under the age of 16 who is found to have brought a weapon to school, or
 - ii. Any student 14-15 years' old who qualifies for juvenile offender status under the Criminal Procedure Law.
- d. The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years' old who possesses a firearm, machine-gun or loaded firearm (as defined by §265.00 of the New York State Penal Law) on school grounds (as defined by §220.00(14) of the New York State

Penal Law) qualifies for juvenile offender status under §1.20 of the New York State Criminal Procedure Law.

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

2. STUDENTS WHO ARE REPEATEDLY AND SUBSTANTIALLY DISRUPTIVE OR COMMIT OR THREATEN TO COMMIT VIOLENT ACTS

Any student determined to be repeatedly and substantially disruptive or have committed or threatened to commit a violent act, other than bringing a Weapon onto BOCES Property, shall be subject to a minimum suspension from BOCES for at least five (5) days. The Principal or District Superintendent may impose a lesser suspension period on a case-by-case basis. The District Superintendent shall have the authority to impose a lengthier suspension, and will determine the suspension period on a case-by-case basis. In deciding whether to modify the suspension period, the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/guardians, teachers, and/or others; and other unique/extenuating circumstances may be considered. If a minimum five (5) day suspension is proposed, the same procedural requirements for short-term suspension shall apply. If the proposed suspension is for more than five (5) days, the student shall have the same due process as all long-term suspensions.

J. PINS PETITIONS

1. The Principal or the Principal's Designee may refer to the home school district any student under the age of eighteen (18) for a PINS (Person in Need of Supervision) Petition only if documentation exists as to the steps taken by BOCES and the home school district to improve the student's attendance or conduct. BOCES must meet with the County's lead agency, Education Assistance Corporation (EAC), to review efforts and documentation. The law mandates diversion services for youth at risk of becoming the subject of a PINS petition through Alternatives for Youth (AFY). It is up to EAC to determine that there is no substantial likelihood that the youth and his/her family will benefit from further diversion services before moving to a PINS Petition.
2. A Person in Need of Supervision is a student who demonstrates behaviors such as:
 - a. being habitually truant (not attending school as required by Part I of Article 65 of the Education Law);
 - b. being incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of the school;
 - c. knowingly and unlawfully possesses an illegal substance in violation of Penal Law §221.05.

K. JUVENILE DELINQUENTS OR JUVENILE OFFENDERS

The Principal or the Principal's Designee will refer to the home school district any student enrolled in BOCES who meets the following specifications so that the Superintendent of the student's home school district can meet the requirement to refer the student to the County Attorney for a juvenile delinquency proceeding before Family Court:

- a. any student under the age of 16, or any age as defined by law, who is found to have brought a Weapon onto BOCES Property; or
- b. any student who qualifies for juvenile offender status under New York Criminal Procedure Law.

L. CRIMINAL OFFENSES

The Principal or the Principal's Designee will promptly report to local law enforcement agencies any student who qualifies for juvenile offender status because of a violation of the Code that constitutes a crime and substantially affects the order and security of BOCES. The student's parent/guardian, home school district, and the school district in which the student's BOCES program is located, if applicable, will be notified that such a report has been filed.

M. ADULT STUDENTS

1. The term "adult student" refers to any person taking courses at the BOCES who is not otherwise enrolled in a public or private home school district.
2. Adult students are subject to the disciplinary actions described in this Code, but are not be entitled to the rights provided students under Education Law §3214. The BOCES personnel authorized to impose disciplinary action shall include the building/program administrator, and a permanent suspension may be imposed for any misconduct that would justify such a suspension.
3. BOCES sanctions are independent of any other sanctions that may be imposed as a result of civil or criminal proceedings. Where an adult student engages in subsequent misconduct, progressive discipline may be imposed, up to and including their suspension, or permanent expulsion from BOCES and/or their academic program.
4. Any adult student found responsible for violating any policy, rule or regulation may have one or more of the sanctions below imposed.
 - a. Verbal Warning: A verbal statement to the student offender who has violated the code.

- b. **Written Warning:** Serves to officially warn a student that he or she is in violation of the Code and that further violations can result in disciplinary sanctions. This warning may be effective for either a specified or unlimited period of time.
- c. **Referral for Assistance:** Recommendation that assistance be sought from various BOCES services and/or outside agencies to specifically address the situation.
- d. **Educational Programming:** A learning program to promote an understanding of inappropriate behaviors and positive change.
- e. **Probation:** Serves to officially warn a student that he or she is in violation of the Code and that any subsequent violation(s) of rules and regulations may result in suspension or expulsion. Probation may be imposed for either a specified or an unlimited period of time.
- f. **Restriction:** Denial of access to any facility, activity, services, class or program, or denial of student privileges for a designated period of time.
- g. **Administrative Withdrawal:** Administrative separation from a specific course. The student will receive no credit for a class from which he/she has been administratively withdrawn.
- h. **Disciplinary Suspension:** Separation of the student from BOCES for a specified period of time. Suspended students are barred from BOCES premises, classes, and other BOCES sponsored activities. Expiration of the suspension period is no guarantee of re-admittance.
- i. **Disciplinary Expulsion:** Permanent separation of the student from BOCES. The student will be permanently barred from BOCES premises, classes, and other BOCES-sponsored activities.
- j. **Revocation of Admission, Degree, and Certification:** Revocation of admission, degree, and certification awarded from BOCES due to fraud, misrepresentation, or other violations of Code, where such violations were committed by a student prior to graduation or certification.

X. SEARCHES AND INTERROGATIONS OF STUDENTS

A. SEARCHES GENERALLY

1. A student may be searched and prohibited items seized on school grounds or in a school building by an authorized District official when he or she has reasonable suspicion to believe the student has engaged in or is engaging in activity which is in violation of the law and/or the Code. The reasonableness of any search involves a twofold inquiry:

- a. School officials must first determine whether the action was justified at its inception; and
 - b. Determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.
2. Factors to be considered in determining whether reasonable suspicion exists to search a student include:
 - a. The age of the student;
 - b. The student's school record and past history;
 - c. The predominance and seriousness of the problem in the school where the search is directed;
 - d. The probative value and reliability of the information used as a justification for the search;
 - e. The school official's prior knowledge of and experience with the student; and
 - f. The urgency to conduct the search without delay.
 3. If reasonable suspicion exists to believe that a student has violated or is violating the law and/or school rules, it is permissible for an authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.
 4. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer garment such as a coat or jacket. Strip searches are intrusive in nature and are never justified in a school setting. If school officials have highly credible evidence that a student poses an imminent danger, or if school authorities believe there is an emergency situation that could threaten the safety of others, the student will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.
 5. School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code.
 6. School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person and property.

7. Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent.
8. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion standard for searches by an authorized school official.
9. The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this procedure.
10. The designated school official conducting the search will be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his or her designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the parents, police or secured by alternate means. This school official will also be responsible for promptly documenting information about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

B. QUESTIONING OF STUDENTS BY SCHOOL OFFICIALS

1. School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.
2. Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school administrator(s). The student's parent or guardian may be contacted; the degree, if any, of parental or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.
3. The questioning of students by school officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law.

Similarly, the questioning of students by school officials does not negate the right or responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to statements given by students to school officials.

4. By law, school officials acting without the involvement of or on behalf of law enforcement officials are not required to give the so-called "Miranda warnings" (e.g., advising a person of their right to remain silent, that any statement made by the individual may be used as evidence against him or her, etc.) prior to the questioning of students.

C. LAW ENFORCEMENT OFFICIALS

1. A cooperative effort will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of officers is necessary to prevent injury to persons or property.
2. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

D. NON-DISTRICT EMPLOYEE ACCESS TO STUDENTS

1. When a non-district employee wishes to interview a student on school premises, administration will immediately attempt to notify the student's parent or guardian. Such notification will be delayed only upon written notification from the non-district employee that said interview is highly sensitive, that notifying the parent or guardian would interfere with an open investigation, or that the interview and investigation must remain confidential.
2. Any requests to interview or gain access to students by non-district employees must immediately be reported to the Superintendent.
3. These requirements may be waived where an agreement is made, in writing, between the parent or guardian and the District Superintendent, for a student to meet with a specified non-district employee for a specified purpose (i.e. counselor, case worker, etc.).

E. QUESTION OF STUDENTS BY LAW ENFORCEMENT OFFICIALS

1. Generally, police authorities may only interview students on school premises without the permission of the parent or guardian in situations where a warrant has been issued for the student's arrest (or removal).

2. Police authorities may also question students for general investigations or general questions regarding suspected crimes committed on school property where notification will be made to the parent or guardian regarding the student's interaction with police authorities.
3. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant, they should contact the student's parent or guardian directly.
4. Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent or guardian.
5. District staff will not participate or observe the interview process. Any requests by the law enforcement representative for a District representative presence in an interview shall be referred to the Principal and the Principal will immediately notify the Superintendent.

F. CHILD PROTECTIVE SERVICES' INVESTIGATIONS

1. Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. These interviews generally pertain to allegations of suspected child abuse or neglect. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law and consistent with the provisions of Board Policy.
2. The provisions pertaining to non-district employees apply equally to investigations and interviews conducted by employees of Child Protection Services.

XI. BOCES EMPLOYEES

All BOCES employees are expected to model the behaviors stated in the Code.

1. Violations of the Code may subject the employee to warnings, discipline and or terminations as provided:
 - a. Tenured faculty members shall be subject to disciplinary action as facts may warrant in accordance with Education Law § 3020-a, and any other legal rights that they may be entitled to.
 - b. Civil Service employees who are entitled to the protections of Civil Service Law §75 shall be subject to charges as the facts may warrant. Said charges will be filed and prosecuted pursuant to said statute, and in accordance with any other legal rights they may be entitled to.

- c. Other staff members shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may be entitled to.
2. Any BOCES employee whose conduct on BOCES property or at a BOCES function disrupts academic or other school activities or threatens the welfare of the person or property of others, shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with any legal rights that they may be entitled to.

XII. VISITORS TO BOCES

A. VISITOR'S VIOLATIONS

BOCES is committed to providing a safe, orderly, respectful environment conducive to learning.

1. The BOCES Board encourages parents/guardians and other members of the public to visit BOCES facilities and classrooms to observe the work of students, teachers, and other employees.
2. Since BOCES centers are places of work and learning, certain limits must be set for such visits.
3. The Principal, Principal's Designee or other building administrator (for buildings in which there is no Principal) is responsible for all persons in the building and on BOCES Property. For these reasons, the following rules apply to visitors to BOCES.
 - a. Anyone who is not a regular employee or student of BOCES will be considered a visitor.
 - b. A temporary visitor pass is issued to all visitors (which may include parents/guardians, outside contractors, sales/repair people, or union representatives).
 - c. All visitors to BOCES buildings must report to the main office or receptionist upon arrival. There each visitor will be requested to produce a driver's license to verify his/her identity (in the absence of which another form of picture identification may be accepted). A visitor's pass, must be worn at all times while on BOCES Property. The visitor must return the visitor's pass to the main office or receptionist before signing out and leaving the building.
 - d. Visitors attending BOCES Functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

- e. Parents/guardians or citizens who wish to observe a class while in session are required to arrange such visits in advance with the classroom teacher(s) or student support service employees, so that class disruption is kept to a minimum.
 - f. Teachers and student support service employees shall not use class time or related service sessions to discuss individual matters with visitors.
 - g. Any unauthorized person on BOCES Property will be reported to the Principal or Principal's Designee (for instructional centers) or other building administrator (for buildings in which there is no Principal) and asked to leave. The police may be called if the unauthorized person does not respond to requests or directions from the BOCES employee.
- 4. All visitors are expected to abide by the rules of conduct contained in this Code.
 - 5. Persons who violate the rules of conduct contained in this Code shall be subject to the following consequences:
 - a. Visitors' authorization, if any, to remain on BOCES grounds or at the BOCES Function shall be withdrawn;
 - b. Visitor shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.

B. ENFORCEMENT

- 1. The Principal, Principal's Designee or Building Administrator shall be responsible for enforcing the conduct required by this Code on visitors.
- 2. When the Principal, Principal's Designee or Building Administrator observes 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, Principal's Designee or Building Administrator shall inform the individual that the conduct is prohibited and attempt to persuade the individual to stop the prohibited conduct.
- 3. The Principal, Principal's Designee or Building Administrator shall also warn the individual of the consequences for failing to stop. If the individual still refuses to stop engaging in the prohibited conduct, or if the individual's conduct poses an immediate threat of injury to persons or property, the Principal or Principal's Designee may have the individual removed immediately from BOCES Property or the BOCES Function.
- 4. If necessary, local law enforcement authorities will be contacted to assist in removing the individual.

XIII. PROHIBITION OF RETALIATION

Retaliation is a separate and distinct violation of this Code the Board prohibits any retaliatory action against any person who, acting reasonably and in in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings of harassment, bullying, misconduct and/or discrimination.

XIV. DISSEMINATION AND REVIEW

A. DISSEMINATION OF CODE OF CONDUCT

1. The Board will endeavor to ensure that the community is aware of this Code by:
 - a. Providing copies of an age-appropriate, plain language, summary of the Code to all students each school year;
 - b. Providing a plain language summary of the Code to all parents/guardians of BOCES students at the beginning of the school year, and to all parents/guardians of new students upon entry to BOCES, and thereafter upon request;
 - c. Including a plain language version of the Code in the BOCES calendar;
 - d. Providing all current teachers and other employees with a copy of the Code and any amendments to the Code as soon as practicable after adoption;
 - e. Providing all new employees with a copy of the current Code when they are hired;
 - f. Making copies of the Code available for review by students, parents/guardians, and other community members at all instructional sites;
 - g. Posting the complete Code on the BOCES website.
2. The Board will sponsor an in-service education program for all BOCES employees to ensure the effective implementation of the Code. The District Superintendent may solicit the recommendations of BOCES employees, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the BOCES professional development plan, as needed.

B. REVIEW OF CODE OF CONDUCT

1. The Board 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.

2. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which BOCES employees, parents/guardians, students, and any other interested parties may participate.

XV. DEFINITIONS

For purposes of this Code, the following definitions apply.

1. "Alcohol Use, Possession, or Sale" means illegally using or possessing alcohol on BOCES Property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on BOCES Property; or finding alcohol on BOCES Property that is not in the possession of any person. However, nothing herein shall be construed to apply to the lawful administration of a prescription drug containing alcohol on BOCES Property.
2. "Arson" means deliberately starting a fire with intent to damage or destroy property. The fire may be started by using matches, lighters, or other devices capable of producing sufficient heat (i.e., magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans. "Property" includes any object belonging to BOCES/district, students, BOCES employees, or visitors, including personal items of the arsonist.
3. "Assault" is defined as engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of Code and falls under one of these categories:
 - a. Physical Injury: means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion
 - b. Serious Physical Injury: means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
4. "Bias Offense" means an attack on or offense against an individual or his/her property in which the individual is targeted on the basis of his/her race, color, religion, gender, disability, or sexual orientation. "Bias related offenses" shall be defined as including, but not limited to, when a person commits an offense against another or others, including but not limited to physical or verbal abuse, harassment or discrimination, and either intentionally selects the person against whom the offense is committed or intended, or intentionally commits the act or acts constituting the offense in whole or in substantial part, because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious

practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct or not.

5. "Bomb Threat" means a telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on BOCES Property.
6. "Burglary" means entering or remaining unlawfully on BOCES Property with intent to commit a crime.
7. "BOCES Function" means any BOCES-sponsored extracurricular event or activity, regardless of where such event or activity takes place, including another state.
8. "BOCES Property" means any building, structure, athletic playing field, playground, parking lot, or land owned or leased by BOCES.
9. "Building" means the physical site where a program's services are delivered to students.
10. "Bullying" means the creation of a hostile environment by conduct or by threats, intimidation, abuse, including cyberbullying that either:
 - a. has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional and/or physical well-being; including conduct threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
 - b. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.
 - c. Bullying includes a variety of negative acts; is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time. An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
11. "Color" refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
12. "Committee on Special Education (CSE)" means the committee on special education, subcommittee on special education, or other multidisciplinary team of the student's home school district.
13. "Cyberbullying" is defined as harassment or bullying that occurs through any form of electronic communication, including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. Offenses may occur on and off BOCES Property, and may involve student use of the BOCES Information Systems or use of personal digital devices such as cellular telephones, digital cameras, and personal computers. Cyberbullying has the effect of:
 - a. physically, emotionally, or mentally harming an individual;
 - b. placing an individual in reasonable fear of physical, emotional, or mental harm;
 - c. placing an individual in reasonable fear of damage to or loss of personal property;and

- d. creating an intimidating or hostile environment that substantially interferes with the mission of BOCES.
14. 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, including, but not limited to, posting or publishing video and/or audio recordings or pictures via written material, cellular telephones, Internet, YouTube, etc.
 15. "Disability" means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical and (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, (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.
 16. "Disciplinary Change in Placement" means a long-term suspension or removal by the home school district of a student with a disability from his/her current educational placement either for more than ten (10) consecutive school days or for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals constituting a pattern because they amount to more than ten (10) school days in a school year.
 17. "Discrimination" is discrimination against any student by a student or students and/or employee or employees on BOCES Property or at a BOCES function, including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
 18. "Disruptive Student" means a school-age student who substantially disrupts 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.
 19. "Drug Use, Possession, or Sale" means illegally using, possessing, or being under the influence of an illegal, or controlled substance, or marijuana on BOCES Property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana on BOCES Property; finding a controlled substance or marijuana on BOCES Property that is not in the possession of any person. However, nothing herein shall be construed to apply to the lawful administration of a prescription drug on BOCES Property.
 20. "Electronic Communications Devices" includes, but is not limited to, radios, CD players, cellular telephones, tape recorders, laptops, computers, and any assistive or augmentative devices which assist in communications. Some of these devices are used in the education process, but only if and when provided by BOCES or the student's home school district as specified in the student's educational program.

21. "Employee" means any person receiving compensation from BOCES or an employee of a contracted service provider.
22. "Emotional harm" that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
23. "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.
24. "False Alarm" means causing a fire alarm or other disaster alarm to be activated by either falsely reporting or activating a fire alarm or other disaster alarm.
25. "Formal Removal by Teacher" means the action by a certified teacher to have a disruptive student removed from the classroom. Time-honored classroom management techniques for controlling student behavior, defusing a situation, and/or preventing a crisis, which may involve brief periods of time spent out of the classroom, are not considered "Formal Removal by a Teacher" for purposes of this Code.
26. "Gang Related Conduct" means displaying overt signs of gang affiliation or engaging in gang-related behaviors that increase the level of conflict or violent behavior in or on BOCES Property or Functions.
27. "Gender" means actual or perceived sex and shall include a person's gender identity or expression and means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women ("masculine" and "feminine" denote "gender").
28. "Gender Expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.
29. "Gender Identity" a person's gender related identity, appearance or behavior, whether or not that gender related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.
30. "Gender nonconforming" (GNC): a term used to describe people whose gender expression differs from stereotypic expectations. The terms "gender variant" or "gender atypical" are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.
31. "Harassment" includes a communication (verbal, written, electronic, or graphic) and/or physical conduct based on an individual's actual or perceived race; color; weight; religion or creed; religious practice, national origin; gender (identity and expression); ethnic group; ancestry; political affiliation; citizenship; pregnancy; sexual orientation; sex; age; marital status, military or veteran status; genetic predisposition or carrier status, use of a recognized guide dog, hearing dog, or service dog; or disability; harassment is also the creation of a hostile environment.
32. Hazing which includes any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, regardless of the express or implied consent of the victim, to include, but not be

-limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, marching, and walking on line; wearing uniforms, chanting/greetings, forced servitude, or other forced activities such as public stunts or acts of buffoonery; exposure to the elements; forced consumption of any liquid, food, liquor, drug, or psychological abuse or humiliation, which adversely affect the mental health or dignity of the individual, the property of the individual or others, and/or demanding that the individual engage in conduct prohibited either by state law or the college's rules and regulations.

33. "Home school district" means the student's school district of residence.
34. "Homicide" means any conduct that results in the death of another person.
35. "Illegal Substances" includes, but is not limited to, inhalants, marijuana, synthetic cannabinoids (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
36. "Individualized Education Program (IEP)" means a written statement developed, reviewed and revised in accordance with §200.4 of the Regulations of the Commissioner that includes the components specified in §200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.
37. "Individuals with Disabilities Education Improvement Act of 2004 (IDEA)" means the Federal laws related to the education of students with disabilities.
38. "Kidnapping" means to abduct, as defined in §135.00 of the Penal Law, a person so as to restrain such person with intent to prevent his or her liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found or (b) using or threatening to use deadly physical force.
39. "Larceny or Other Theft Offenses" means the unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another.
40. "Long-Term Suspension" means a suspension that exceeds five (5) consecutive school days.
41. "Manifestation Determination" consists of a review of the relationship between a student's disability and the behavior subject to disciplinary action. Its purpose is to determine whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the failure of BOCES to implement the student's individualized education program. A review by the Committee on Special Education (CSE) must be made immediately, if possible, but no later than ten (10) school days after an authorized BOCES authority makes a decision to either place the student in an interim alternative educational setting or imposes a suspension that constitutes a disciplinary change of placement.
42. "Material Incident" (of discrimination, harassment, bullying, and/or cyberbullying) means a single verified incident or a series of related verified incidents where a student is subjected to discrimination, harassment, bullying, and/or cyberbullying by a student and/or employee on BOCES Property or at an BOCES Function, or off BOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the BOCES environment or where it is foreseeable that the conduct might reach BOCES Property, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation, or abuse

(verbal or non-verbal), of such severe or pervasive nature that it: has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental, emotional, and/or physical well-being or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, including a verified incident or series of related verified incidents of harassment or bullying that occur off BOCES Property, and is the subject of a written or oral complaint to the District Superintendent, Principal, or designee, or other BOCES employee. Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, provided that nothing herein shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §§3201-a or 2854(2)(a) and Title IX Of the Education Amendments of 1972 (20 USC §1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

43. "Mischief" means the intentional or reckless damaging of the property of BOCES or of another person, including, but not limited to, vandalism and the defacing of property with graffiti. Mischief also includes the tampering with or the unauthorized use of fire safety equipment such as extinguishers, smoke detectors, alarm-pull stations, emergency exits including activating a false fire alarm, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a staff member, or attempting to re-enter the building without permission of the proper authorities once an alarm has been sounded.
44. "National Origin" means a person's country of birth or ancestor's country of birth.
45. "Other Privileges" means major co-curricular activities which may occur during or after regular instructional hours, on or off BOCES Property, such as SkillsUSA competitions, field trips, etc.
46. "Parent/Guardian" means a parent, guardian, or person in parental relation to a student.
47. "Positive Learning Environment" means a setting where all students and employees experience a safe, healthy, caring environment which fosters respect and high expectations, maximizes potential, and motivates interest and enthusiasm.
48. "Principal's Designee" means another BOCES administrator designated by the Principal.
49. "Program" means an educational approach to providing learning experiences in order to address academic, behavioral, developmental, or career needs of students. A program can be center based or can exist in more than one building.
50. "Race" means a group of persons related by a common descent or heredity. For purposes of enumeration, the US Census Bureau uses terms such as: "White/Caucasian," "Black/African American/African-descent," "Asian," "Bi-racial," "Hispanic/Latino," etc. to describe and classify the inhabitants of the United States.
51. "Religion" means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
52. "Religious Practice" means practices and observances, such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

53. "Reckless Endangerment" means subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.
54. "Riot" means four (4) or more persons simultaneously engaging in tumultuous and violent conduct, thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
55. "Sex" means the biological and physiological characteristics that define men and women. ("male" and "female" denote "sex.")
56. "Sexual Harassment" including unwelcome sexual advances; requests for sexual favors; taking, sending, or receiving sexually explicit videos, pictures, or auditory recordings; and other behaviors and comments of a sexual nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile, or offensive working or educational environment.
57. Sexual Offenses means any sexual offense pursuant to New York State Penal Law. Including but not limited to a Forcible Sex Offense and Other Sex Offense.
- a. Forcible Sex Offenses means a sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.
 - b. Other Sex Offenses means a non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.
58. "Sexual Orientation" a person's emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender people identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual display gender-nonconforming characteristics.
59. "Short-Term Suspension" means a suspension of five (5) or fewer consecutive school days.
60. "Tobacco/Tobacco Products/Nicotine Products" shall include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco, and any other smoking or tobacco product (smokeless, dip, chew, snus, and snuff) in any form. Nicotine products includes any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation. The term shall include any such devices, whether

they are manufactured, distributed, marketed or sold as e-cigarette, e-cigars, e-pipes or under any other device, name or descriptor.

61. "Unlawful Surveillance" shall mean intentionally using or installing, or permitting the installation or use for a person's own, or another person's amusement, entertainment, or profit, or for the purpose of degrading or abusing a person, or for sexual arousal or sexual gratification, an imaging device to secretly view, broadcast, or record a person dressing or undressing or the sexual or other intimate parts of such person, without such person's knowledge or consent.
62. "Violent and Disruptive Incident Report (VADIR)" means the New York State mandated report compiled in accordance with the Uniform Violent Incident Reporting System (UVIRS) of New York State Education Law for the purpose of identifying violent schools.
63. "Violent Student" means a school-age student who engages in violent or disruptive activity as defined in the "Glossary of Terms Used in Reporting Violent and Disruptive Incidents" of the New York State Education Department including, but not limited to, those terms defined in §100.2(gg) of the Regulations of the Commissioner of Education.
64. "Weapon" means
 - a. a firearm, as defined in the United States Code, Title 18 §921 of the Federal Gun Control Act, for purposes of the Gun-Free Schools Act, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
 - b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
 - c. a baton, billy-club, blackjack, bludgeon, chuka stick, metal knuckles, sand bag or sand club;
 - d. a sling shot or slungshot;
 - e. a martial arts instrument, including, but not limited to, any ranged, projectile, and/or melee weapon;
 - f. an explosive, including, but not limited to, a firecracker or other fireworks;
 - g. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - h. an imitation gun;
 - i. loaded or blank cartridges or other ammunition;
 - j. any other deadly or dangerous instrument.
65. "Weight," aside from the obvious meaning in the physical sciences, is used in reference to a person's "size."

Jefferson-Lewis-Hamilton-Herkimer-Oneida Board of Cooperative Educational Services

References:

- Regulations of the Commissioner §100.2(gg), §200.4
- Individuals with Disabilities Education Improvement Act (IDEA)
- US Code, Title 18, §921 of the Federal Gun Control Act
- NYS Civil Service Law §75
- NYS Criminal Procedure Law §1.20(42)
- NYS Education Law §§11, 13, 801-a, 814, 1125(3), 2801, 3214
- NYS Executive Law §292(21)
- NYS Penal Law §§10.00(10), 130.00(8), 130.00(11), 135.00, 221.05
- NYS Vehicle and Traffic Law §142
- Board Policy 5000 – Equal Educational Opportunities
- Board Policy 5005 – Dignity for all Students
- Board Policy 5010 – Sexual Harassment of Students
- Board Policy 5020 – Discrimination of Students
- Board Policy 5030 – Student Complaint and Grievance Procedures
- Board Policy 5040 – Physical Restraint and Corporal Punishment
- Board Policy 5041 – Use of Approved Time Out Rooms
- Board Policy 5042 – Emergency Interventions
- Board Policy 5050 – Education Records
- Board Policy 5070 – Protection of Pupil Rights Amendment
- Board Policy 5110 – Release of Students from School
- Board Policy 5120 – Suspected Child Abuse - Domestic
- Board Policy 5121 – Child Abuse in an Educational Setting
- Board Policy 5140 – Safety of Children and Students – Conditional Employees
- Board Policy 5200 - Student Conduct and Discipline
- Board Policy 5210 - Students Rights and Responsibilities
- Board Policy 5215 - Student Attendance
- Board Policy 5220 - Student Suspension
- Board Policy 5230 – Alcohol Tobacco Substance Abuse
- Board Policy 5231 – Prohibition of Smoking and Use of Tobacco
- Board Policy 5240 – Dangerous Weapons in School
- Board Policy 5250 – Student Technology and Safety
- Board Policy 5520 - Bus Safety Program

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