

# SUMMARY OF THE CODE OF CONDUCT

Under the law, every board of education in New York State is required to adopt a Code of Conduct for the maintenance of order among individuals who come onto school property, travel in school buses operated by the District, or who attend school functions at off-campus locations. All individuals who come onto BOCES property, travel in BOCES school buses, or attend off-campus BOCES functions must comply with all sections of the full and complete Code of Conduct. This is merely a summary of the Code of Conduct. Anyone who would like to view a full and complete copy of the Code of Conduct can request a copy at the main office.

## **STUDENTS' RIGHTS AND RESPONSIBILITIES**

The BOCES assures district students that they have all the rights afforded them by federal laws, state laws and local laws and students are required to comply with these same laws. Each student also has the right to a safe school environment, the right to participate in activities and programs on an equal basis unless suspended, the right to review school rules, the right to be suspended from instruction, the right to be heard in disciplinary matters and the right to refuse to submit to a survey that reveals personal information.

It shall be the responsibility of all district students, of any age, to be familiar with and abide by all district policies, rules and regulations pertaining to student conduct, to strive toward the highest level of achievement possible, to conduct himself or herself as a representative of the district, to seek help in solving problems that might lead to discipline procedures, to show due respect to other persons and to property, and to make constructive contributions to the school.

## **STANDARDS OF CONDUCT**

The following conduct shall be deemed inappropriate and unacceptable on school grounds, school buses and at school functions:

1. Fighting and/or injuring any person;
2. Threatening injury to persons or property or any other threats;
3. Physically restraining or detaining any other person;
4. Destroying, damaging or defacing property;
5. Entering designated prohibited or danger areas;
6. Stealing;
7. Inappropriate public displays of affection;
8. Possessing and/or wearing obscene material;
9. Engaging in disorderly conduct;
10. Disrupting the peaceful conduct of BOCES' instruction and activities;
11. Refusing any reasonable direction of any school official;
12. Refusing to leave any facility at the request of a school official;

13. Violating traffic or parking regulations of the BOCES;
14. Violating the emergency procedures of the BOCES;
15. Entering into any school official's office without permission;
16. Entering/remaining on school property unless engaged in a BOCES' activity;
17. Willfully inciting others to commit any prohibited acts;
18. Interfering with free speech/movement of persons legally on BOCES' property;
19. Smoking, possessing or using tobacco products is prohibited on school property;
20. Possessing and/or distributing contraband;
21. Possessing any look-a-like firearm, weapon or drugs;
22. The distribution of medication by anyone other than the school nurse or authorized school official;
23. The possession of medication without the written permission of the parent and written order by the physician;
24. Use, possess, manufacture, sell, distribute or be under the influence of alcohol or other substances, or use or possess drug paraphernalia on school property or during a school event;
25. Falsely reporting a bomb;
26. Cheating on classwork or exams;
27. Gambling;
28. Vandalism;
29. Truancy;
30. School bus misbehavior;
31. Violating the District's Acceptable Use Policy for computers; and/or
32. Other insubordinate or disorderly behavior.

## **STUDENT DRESS CODE**

Students are permitted to wear any appropriate clothing and jewelry, except that they shall comply with all provisions of this Code of Conduct governing dress. Students are expected to be dressed (including footwear) and groomed in a manner appropriate to the particular educational setting, at all times.

The following clothing shall be deemed inappropriate and unacceptable on school grounds, school buses and at school functions:

1. Clothing that is considered disruptive to the educational process;
2. Clothing, jewelry, body piercing or markings that present a safety hazard or are inappropriate for or disruptive of the educational process and/or specific trade setting;
3. Outdoor clothing, if worn indoors (unless worn for specific trade setting or medical reason);

4. Gang-related attire and jewelry;
5. Clothing and jewelry bearing vulgar, profane or drug or alcohol-related messages;  
and
6. Hats worn inside the classroom except for medical or religious purpose or if required due to trade setting.

Students who violate the District's dress code shall be required to modify their appearance by replacing, covering and/or removing the offending item. Any student who refuses to do so shall be subject to discipline.

## **LANGUAGE**

Students' language shall be considered appropriate if it is in compliance with all applicable provisions of this Code of Conduct. Students should use language that is civil and respectful toward teachers, school administrators, other school personnel, fellow students and visitors on school property and school buses and at school functions, at all times.

The following language shall be deemed inappropriate and unacceptable on school grounds, school buses and at school functions:

1. Verbally abusive language;
2. Profanity and/or cursing;
3. Racial slurs and other discriminatory slurs or hate speech, (i.e., speech which demeans or harasses another individual because of his/her race, sex, disability status, age, religion or other protected status);
4. Loud, disruptive speech;
5. Sexually suggestive, indecent or vulgar language;
6. Threats of violence; and or
7. Excessive arguing with a teacher or other supervisor.

## **CIVIL AND RESPECTFUL TREATMENT OF TEACHERS, ADMINISTRATORS AND OTHERS**

Students shall treat teachers, school administrators, other school personnel, fellow students and visitors on school property and school buses and at school functions, in a civil and respectful manner, at all times.

## **RANGE OF DISCIPLINARY MEASURES**

Disciplinary action, when necessary, will be firm, fair, and consistent in order to be most effective in changing behavior. Penalties should be in proportion to the gravity of the offense and made relevant to the misconduct so as to deter future violations. Depending upon the nature of the violation, student discipline should be progressive.

## **STANDARDS AND PROCEDURES TO ASSURE SAFETY OF STUDENTS AND SCHOOL PERSONNEL**

The District's standards and procedures for assuring the security and safety of students and school personnel are set forth in the District-wide School Safety Plan and its Building-level Safety Plans, copies of which are available for inspection by the public at the District Office, except those portions of said plans which are confidential.

## **PROVISIONS FOR REMOVAL OF STUDENTS FROM THE CLASSROOM**

Before a teacher removes a "disruptive" student from the classroom, the teacher must first attempt to deal with the student's misbehavior through less drastic means, such as warnings, parent conferences, time-out, detentions, and the like. However, it may, on occasion, be necessary for the teacher to remove a "disruptive" student from the classroom. In no case may a teacher remove a student from his/her classroom for more than one day.

## **PROCEDURES FOR IMPOSING DETENTION, SUSPENSION AND REMOVAL FROM THE CLASSROOM**

### **1. Procedures for Removal**

Any teacher shall have the authority to remove a disruptive pupil from such teacher's classroom. No pupil shall return to the said teacher's classroom until the Principal or program administrator makes a final determination of the case, or the period of removal expires, whichever happens first.

Any student removed from the classroom must be given a reason for the removal and also given an opportunity to be heard within twenty-four hours after the pupil's removal. The teacher must also provide the Principal or program administrator with a full written explanation of the basis for the removal.

The Principal or program administrator shall inform, in writing, the person in parental relation to such pupil of the removal and the reasons for the removal within twenty-four hours of the pupil's removal.

The pupil and the person in parental relation shall, upon request, be given an opportunity for an informal conference with the Principal or program administrator to discuss the reasons for the removal. This informal conference must be held within two school days of the student's removal.

If the pupil denies the charges during the informal conference, the Principal or program administrator shall provide an explanation of the basis for the removal and allow the pupil and/or person in parental relation to the pupil an opportunity to present the pupil's version of relevant events. Such informal conference shall be held within forty- eight hours of the pupil's removal.

### *Review of the Removal Decision*

The Principal or program administrator shall review the teacher's decision to remove the pupil. They may not set aside the teacher's decision unless they find that the charges against the pupil are not supported by "substantial evidence," or that the pupil's removal is otherwise in violation of law or that the conduct warrants suspension from school. The final determination must be made by the close of business on the day after the informal conference.

### *Alternative Instruction*

A teacher who directs the removal of a student from his/her classroom shall provide assignments. Administrators shall make other provisions for the continued educational programming and activities for such student.

## 2. Procedures for Suspension of Students

### *Short-term Suspensions*

When suspension of the student from attendance for a period of five days or less is proposed, the District Superintendent or Principal shall immediately notify the student orally and the parents or the persons in parental relation, in writing, that the student may be suspended from school. The written notice shall provide a description of the incident(s) for which suspension is proposed, and shall inform the parents or persons in parental relation of their right to request an immediate informal conference with the District Superintendent or Principal and the right to question complaining witnesses.

The notice and opportunity for an informal conference shall be given prior to the suspension of the student, unless the student's presence in the school poses a continuing danger to persons or property, or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

### *Long-term Suspensions*

When suspension of the student from attendance for a period in excess of five days is proposed, school officials shall follow the formal hearing procedure. The District Superintendent or his/her designee shall immediately notify the parents or the persons in parental relation, in writing, that the student may be suspended from school, and shall provide the reasons, giving dates and other descriptive details for the incidents in question.

After the hearing, the District Superintendent shall make a final determination of the student's guilt or innocence of the charges and shall promptly advise the parents in writing of his/her decision.

### *Appeal to the Board of Cooperative Educational Services*

The person in parental relation may appeal the decision of the District Superintendent to the BOCES. The BOCES' decision on the appeal shall be based solely upon the record of the hearing. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

### *Alternative Instruction*

Where a pupil has been suspended from school pursuant to the Code of Conduct, and the pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere, and/or for supervision or detention of the pupil.

### *Permanent Suspensions*

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of others students, school personnel or any other person lawfully on school property or attending a school function.

### *Notice of Suspension from BOCES to the Home School*

The District Superintendent or his/her designee will inform the home school in writing, that a student has been suspended from the BOCES.

## **COMPLIANCE WITH LAWS FOR THE DISABLED**

The BOCES recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The BOCES is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

## **REPORTING OF VIOLATIONS TO SCHOOL ADMINISTRATORS**

All school employees are required to report violations of the Code of Conduct to a teacher, principal or his/her designee, as soon as practicable. Such reports shall be made in writing, on the form prescribed for such violations. The District Superintendent shall have discretion to determine the appropriate level of response to any such report.

## **NOTICE TO LOCAL LAW ENFORCEMENT AGENCIES**

School administrators shall notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of the school as soon as practical. Notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.

## **PARENTAL NOTIFICATION OF CODE VIOLATIONS**

In a case where a student is removed from a class or suspended from school, the Code of Conduct governs the procedures for notifying persons in parental relation to the student of the alleged violation. In all other cases, the District Superintendent shall have discretion in determining the circumstances under and procedures by which persons in parental relation to the student are notified of violations of the Code of Conduct.

## **PHYSICAL RESTRAINT AND CORPORAL PUNISHMENT**

Teachers, administrators, officers or other employees of the BOCES shall be prohibited from using corporal punishment against a student. Reasonable physical force may be utilized by staff in the protection of oneself and others from physical injury, protection of property, and as a last resort to restrain or remove disorderly students whose behavior is interfering with the ordinary exercise and performance of district functions.

Such action shall only be taken if:

1. the pupil has been directed to stop any disruptive behavior;
2. the pupil continues to exhibit the disruptive behavior to the detriment of the educational environment; and
3. provided no other disciplinary alternative is available.

All incidents of use of physical force on a student will be immediately reported by the employee to the employee's supervisor. Complaints about suspended incidents of the use of corporal punishment are to be submitted to the District Superintendent.

## **STUDENT SEARCHES AND INTERROGATIONS**

Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials. However, school officials will tell all students why they are being questioned.

The BOCES authorizes the District Superintendent, the Principal, school administrators, school nurse and district security officials to conduct searches of students and their belongings, in the presence of another school official, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the BOCES Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the BOCES Code of Conduct, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. School officials are prohibited from conducting strip searches of students.

Students have no reasonable expectation of privacy with respect to student lockers, desks and other school storage places and school officials retain complete control over them. This means that these places may be subject to search at any time by school officials, without prior notice to students and without their consent. This may include a search by police agencies, using specially trained animals.

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have a search or an arrest warrant, probable cause to believe a crime has been committed on school property or at a school function or been invited by school officials. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school.

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the BOCES will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

## **PROCEDURE FOR FILING CRIMINAL, JUVENILE DELINQUENCY AND PINS PROCEEDINGS**

School administrators shall refer students to the county attorney or other agency if the student is habitually truant or tardy, who is habitually disobedient and beyond the lawful control of parental or other lawful authority or who is suspected to have committed a crime on school property or at a school function.

## **PROCEDURES FOR REFERRAL TO HUMAN SERVICE AGENCIES**

The District is obligated to report all cases of child abuse and maltreatment.

## **REPEATEDLY SUBSTANTIALLY DISRUPTIVE STUDENTS**

‘Repeatedly is substantially disruptive of the educational process’ and ‘Substantially interferes with the teacher’s authority over the classroom’ shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) on four or more occasions during the semester. There shall be a minimum suspension period of five days for repeatedly substantially disruptive students. However, the period of suspension may be reduced, on a case-by-case basis, to be consistent with any other state and federal laws.

## **VIOLENT PUPILS**

A teacher shall immediately report and refer a pupil to the District Superintendent for a violation of the Code of Conduct, and a minimum suspension of one year if the pupil has committed one or more acts sufficient to make the offender a “violent pupil”. However, the period of suspension may be reduced, on a case-by-case basis, to be consistent with any other state and federal laws.

## **DISSEMINATION, REVIEW AND IN-SERVICE EDUCATION**

The BOCES will work to ensure that the community is aware of this Code of Conduct. The BOCES will review this Code of Conduct annually and update it as necessary.