

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES**

CODE OF CONDUCT 2021-2022



*Revised by Board of Education
August 26, 2021*

TABLE OF CONTENTS

I.	Introduction	1-13
II.	Definitions	13-16
III.	Student Rights and Responsibilities	16-18
	A. Student Rights	
	B. Student Responsibilities	
IV.	Essential Partners	18-22
	A. Parents	
	B. Teachers	
	C. School Counselors/School Psychologists	
	D. Related Service Providers	
	E. Support Staff	
	F. Dignity For All Students Coordinator	
	G. Administrator/Supervisor	
	H. District Superintendent/Deputy Superintendent	
	I. Component School Districts	
	J. Board of Education	
V.	Student Dress Code	22-24
VI.	Prohibited Student Conduct	25-28
	A. Conduct that is Disorderly	
	B. Conduct that is Insubordinate	
	C. Conduct that is Disruptive	
	D. Conduct that is Violent	
	E. Conduct that Endangers the Safety, Morals, Health or Welfare of Others	
	F. Misconduct While on a BOCES Function	
	G. Misconduct While on School Bus or FEH BOCES Vehicle	
	H. Any Form of Academic Misconduct	
	I. Engage in Misuse of Electronic Devices	
VII.	Reporting Violations	28-29
VIII.	Disciplinary Penalties, Procedures and Referrals	29-36
	A. Penalties	
	B. Procedures	
	C. Minimum Periods of Suspension	
	D. Referrals	

IX.	Alternative Instruction	36
X.	Discipline of Students with Disabilities	37-42
	A. Authorized Suspension or Removal of Students with Disabilities	
	B. Change of Placement Rule	
	C. Special Rules Regarding the Suspension or Removal of Students with Disabilities	
	D. Expedited Due Process Hearings	
	E. Referral to Law Enforcement and Judicial Authorities	
XI.	Corporal Punishment	42
XII.	Student Searches and Interrogations	42-44
	A. Student Lockers, Desks and Other School Storage Places	
	B. Documentation of Searches	
	C. Police Involvement in Searches and Interrogation of Students	
	D. Child Protective Services Investigations	
XIII.	Visitors to the Schools	44 - 45
XIV.	Public Conduct on School Property	45-46
	A. Prohibited Conduct	
	B. Penalties	
	C. Enforcement	
XV.	Dissemination and Review	46-47
	A. Dissemination of Code of Conduct	
	Appendix (Forms)	48-60
	• FEH BOCES Complaint Form	
	• Report of a Disruptive Student	
	• Action of Building Principal on Removal of a Student from Class	
	• Principal's Determination Regarding Removal of a Student from the Classroom	
	• Principal Notification of Student's Removal from the Classroom and for an Informal Conference	
	• Person in Parental Relationship Request for an Informal Conference	
	• Teacher's Report of a Violent Student	
	• Disposition of a Violent Student by Building Principal	
	• Principal Suspension – Five Days or Less (Sample Letter)	
	• Check List – Suspending Authority	
	• Bullying Referral Form	

I. Introduction

The Board of Cooperative Educational Services Sole Supervisory District of Franklin-Essex-Hamilton Counties, hereinafter referred to as FEH BOCES, is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other BOCES personnel, parents and other visitors is essential to achieving this goal.

The FEH BOCES and its Board of Education maintains high expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The FEH BOCES and its Board of Education recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct on school property, and to ensure the consequences when necessary are administered promptly and fairly. The staff and administration will work in conjunction with component school districts, families, and the community to administer and support the FEH BOCES Code of Conduct. This Code of Conduct has been drafted in collaboration with stakeholders to meet the requirements of the Project SAVE legislation (Education Law §2801) and section 100.2(1) of the Education Commissioner's regulations.

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

FEH BOCES is a community of learners involved in and dedicated to the learning process. We believe that every student should be provided with opportunities, and accept responsibility, to grow educationally, socially and emotionally.

Therefore, we expect our staff to:

- Teach all students a constantly updated curriculum, using a variety of methods to actively engage students and meet individual learning styles.
- Provide a positive, safe, caring and child-centered environment where teaching and learning are emphasized and rewarded, and where there is mutual respect.
- We will hold ourselves accountable for this through continuous assessment of programs, practices and operations.
- Staff, students, parents, other family members, school volunteers, employers, service clubs and others.

Philosophy

The FEH BOCES believes strongly in the positive development of its students in both areas of academics and personal growth. Each student must be afforded the opportunity to develop in each of these areas to his/her fullest potential. To provide and sustain the proper atmosphere for our students to progress in their development requires cooperation and understanding by students, teachers, parents, administrators, and the Board of Education.

The School Community, therefore, desires to work with each student and his/ her parent /guardian to resolve together any problem which might prevent a student from achieving success.

In developing this code, we recognize and believe the following to be true:

- Parents influence their children
- Parents, students, and school personnel must work together to help each student reach his/her greatest potential
- A student and/or a family problem can affect all family members and may influence a student's success at school
- Problems in school and at home can have long range effects
- When people in school and at home are supportive of a student and give specific messages to that student, appropriate behavior should result
- Students have certain rights and responsibilities

Dissemination and Review

1. Dissemination of Code of Conduct

The code of conduct shall be available to each student household prior to the start of school either via the Web site or from the appropriate building Principal. Students, parents and/or guardians shall be encouraged to review the code together in order to best promote its understanding and acceptance. All new students will be given a copy of the code of conduct with their registration packets. A general assembly will be held for each school at which the contents of the code shall be reviewed. Any questions about the code should be directed to the building Principal.

2. Review of Code of Conduct

Each year the code will be reviewed and updated as necessary by the code of conduct committee. In conducting the review, the committee will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently. The committee will seek input from various constituencies such as : faculty, staff and students each spring for any suggestions to the code.

The Board of Education will consider recommendations for changes in the code each year. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner, no later than thirty (30) days after adoption.

E. Public Concerns

The Board of Education recognizes the right of community members to register individual or group concerns regarding instruction, district programs, materials, operations, and/or staff members. The main goal of the FEH BOCES is to resolve such concerns with only the parties involved, whenever possible. Public concerns about FEH BOCES will be directed to the proper administrative personnel. Concerns about specific classroom practices shall be directed to the Teacher concerned. If the matter is not settled satisfactorily, the complainant shall then contact the building Principal; if there is no resolution on this level, the District Superintendent /or designee shall be contacted. The District Superintendent shall refer the issue to the Board for final resolution.

It is the responsibility of the building Principal to help in resolving the problem/concern, and/or to refer individuals to the next level of appeal. Matters involving specific classes, Teachers, or school rules should be brought to an administrator's attention before an individual addresses members of the Board of Education.

All matters referred to the District Superintendent or his/her designee and/or the Board must be **in writing**. Concerns registered directly to the Board as a whole or to an individual Board member shall be referred, as soon as it is reasonably possible, to the District Superintendent or his/her designee for investigation, report, and/or resolution.

The continued interest and support of district schools by members of the school community is vital to the success of our component district students.

Equal Opportunity and Non-discrimination

The FEH BOCES does not discriminate on the basis of an individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation, and additionally does not discriminate against students on the basis of weight, gender identity, gender expression, and religious practices or any other basis prohibited by New York State and/or federal non-discrimination laws in employment or its programs and activities. The District provides equal access to community and youth organizations. Inquiries regarding the District's non-discrimination policies should be directed to:

FEH BOCES Civil Rights Compliance Officer
23 Husky Lane
Malone, New York 12953
(518) 483-6420

e-mail: civilrightscompliance@mail.fehb.org

Family Educational Rights and Privacy Act

The procedures for the confidentiality of students' records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA) (Buckley Amendment), its implementing regulations, and Commissioner's Regulations.

The FEH BOCES shall arrange to provide translation of the following notice to non-English speaking parents in their native language.

This section is intended to advise you of your rights with respect to the school records relating to (your son/daughter) and/or (you) pursuant to the Federal "Family Educational Rights and Privacy Act 1974."

A parent/guardian of a student under 18, or a student 18 or older, shall make a request for access to that student's school records. This includes all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to:

- Identifying data
- Academic work completed
- Level of achievement (grades, standardized achievement test scores)
- Attendance
- Discipline records
- Data scores on standardized intelligence
- Aptitude and psychological tests
- Interest inventory results
- Health data
- Family background information
- Teacher or counselor ratings and observations and verified reports of serious or recurrent behavior patterns.

A parent/guardian of a student under 18 years of age or a student 18 years of age or older shall make a request for access to that student's school records, in writing, to the building Principal. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in any case, not more than forty-five (45) days after the request has been received.

Such parents and students are also entitled to an opportunity for a hearing to challenge the content of such records, to ensure that they are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein. Any questions concerning the procedure to be followed in requesting such a hearing should be directed to the District Superintendent or his/her designee.

Student records and any material contained therein which is personally identifiable, are confidential and may not be released or made available to persons other than parents or students without the written consent of such parents or student. There are a number of exceptions to this rule, such as other school employees and officials, and certain state and federal officials, who have a legitimate educational need for access to such records in the course of their employment.

Dignity for All Students (DASA)

FEH BOCES is committed to providing an educational and working environment that promotes respect, dignity and equality for all. Discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement and these behaviors interfere with the mission of the District to educate its students and provide a safe, healthy environment in which to learn and grow.

In accordance with the Dignity for All Students Act (DASA), the District condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events, whether on or off of school property. The District also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which creates or would foreseeably create a risk of substantial disruption within the school environment where it is foreseeable that the conduct, threats intimidation or abuse might reach school property.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. To this end, the FEH BOCES will establish a Positive School Environment Team ("PSET") for each building. The PSET will consist of the building principal, the school counselor, representatives from the student council and their advisors. The team membership will be listed on the District's website. The team will be responsible for identifying social patterns of harassment, bullying and discrimination and for developing programs and initiatives aimed at increasing awareness and sensitivity and helping employees prevent and respond to harassment, bullying and/or discrimination.

Designation and Role of Dignity Act Coordinator ("DAC")

The Board of Education will annually designate at its annual organizational meeting at least one staff member for each building (usually the building principal), who has been trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identify and expression), and sex. In addition, the Board shall appoint a district-wide coordinator. The Dignity Act Coordinator ("DAC") is accountable for implementation of this policy and for coordinating and enforcing this policy.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building, and may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or systemic approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with FEH BOCES policy.

Training

Training will be reflected in the FEH BOCES annual professional development plan, new teacher orientation, and will be considered in the budget process. The DAC, administrative employees and other staff, such as school counselors, social workers, and school psychologists who have specific responsibilities for investigating and/or resolving complaints of bullying, shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Confidentiality

It is FEH BOCES policy to respect the privacy to the fullest extent possible, of all parties and witnesses to bullying. To the extent possible, the FEH BOCES will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with FEH BOCES legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

Reporting and Investigation

The FEH BOCES cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided.

In accordance with State law, there shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe or of which they are made aware to their building principal, the DAC or other administrator who supervises their employment, who will refer the information to appropriate district staff for investigation within one school day and to fill out the FEH BOCES reporting form within two school days. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g. Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the Building DASA Coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the District Superintendent/Designee. In the event the complaint involves the District Superintendent/Designee, the appeal of the complaint shall be filed with the Board of Education for its review and decision. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable; in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency and immediately notify the Superintendent of Schools and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Investigation and Resolution Procedure

A. Initial Procedure (building-level)

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the building level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notifying him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

Resolution of Complaint

Where appropriate and possible, informal methods may be used to resolve the complaint, including, but not limited to:

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the amended Dignity Act requires the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should be included in the Code of Conduct and place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

Appropriate disciplinary action shall be recommended and/or imposed in accordance with District policy, the applicable collective bargaining agreement or state law.

The investigator shall report back to both the target and the accused regarding the outcome of the investigation and the action taken to resolve the complaint.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Principal or his/her designee. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should notify the Superintendent (or his/her designee), and then contact the appropriate child protection, law enforcement authorities, and, if appropriate, school attorneys.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the District Coordinator (Principal) within ten (10) school days of receipt of outcome of investigation.

B. District-level Procedure

The District Coordinator shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the District Coordinator following an initial investigation. In the event the complaint involves the District Coordinator, the complaint shall be filed with or referred to the District Superintendent/Designee, who shall refer the complaint to an appropriate independent individual for investigation.

The District-level investigation should begin as soon as possible following receipt of the complaint by the District Coordinator.

In conducting the formal District-level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District-level investigation results in a determination that bullying/harassment did occur, prompt corrective action will be taken to end the misbehavior.

No later than thirty (30) school days following receipt of the complaint, the District Coordinator (or in cases involving the District Coordinator, the District Superintendent-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the District Coordinator will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

Any party who is not satisfied with the outcome of the District Coordinator investigation may appeal to the District Superintendent/Designee by submitting a written request to the Superintendent within ten (10) school days of receiving notice of the outcome of the investigation.

When a request for review by the District Superintendent/Designee has been made, the Superintendent or his/her designee shall promptly investigate and equitably resolve the bullying complaint.

In the event the complaint involves the District Superintendent, the complaint should be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

No later than thirty (30) days following receipt of the complaint, the District Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board appointed investigator will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

Any party who is not satisfied with the outcome of the District Superintendent's investigation may appeal to the Board of Education by submitting a written request to the Board President within ten (10) school days of receiving notice of the outcome of the investigation.

Board-level Procedure

When a request for review by the Board has been made, the District Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and the place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within fifteen (15) school days after the hearing has been concluded.

The District shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Provisions for Students Who do not Feel Safe at School

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying/harassment acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying/harassment shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the District's website.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.
- The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the superintendent.
- Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

The Board will receive the annual VADIR report, for each building and for the District as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

The District will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA)

II. Definitions

For purposes of this Code, the following definitions apply:

ASSAULT - to cause serious physical injury to another individual, causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument.

BULLYING - is generally defined as an intentional act that causes harm to others, and may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. It is aggressive behavior that intends to hurt, threaten or frighten another person. An imbalance of power between the aggressor and the victim is often involved.

CHEATING – the use of fraudulent means to complete an academic assignment or test.

CYBERBULLYING – is a deliberate act that directly threatens, harasses or intimidates another individual where the individual fears for the safety of themselves or their property, and creates a hostile environment. Cyberbullying includes the electronic aggression of bullying or harassing and individual through the use of email, instant messaging, text messages, digital pictures or images, website posts, blogs, chat room exchanges sent to an individual's or BOCES computer, laptop, pager, cell phone, internet system, smart phones, music and media players, tablets, and or any other electronic device that sends, receives, stores, reproduces or displays communication technology.

DEFAMATION – any intentional false communication, either written or spoken, which causes an individual to suffer harm.

DIGNITY FOR ALL STUDENTS (DASA) COORDINATOR- a thoroughly trained staff member in each school who is trained in human relations in the area of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

DISABILITY - means a disability as defined in subdivision 21 of section 292 of the Executive Law.

DISRUPTIVE STUDENT – means any student who is substantially disruptive of the educational process or substantially interferes with the teacher's ability to manage the classroom in a manner that is conducive to learning, teaching and living.

DISCRIMINATION AND HARASSMENT - means an intentional act against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that

(a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or

(b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. 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 in this subdivision 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 sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

FABRICATION – the deliberate act of falsifying or inventing information.

GENDER - means actual or perceived sex and shall include a person's gender identity or expression.

HARASSMENT – is verbal or physical conduct that is offensive to, or shows hostility or aversion toward, an individual because of his/her race, creed, color, religion, national origin, age, disability, genetic disposition, sexual orientation, weight, or marital status.

HAZING – is typically an act against a student, or coercing a student to commit an act, that creates a risk of emotional, physical, or psychological harm to a person, in order for a student to be initiated into or affiliated with a student organization, or for any other purpose.

LOITERING – to wander or stand in an area with no obvious purpose.

PLAGIARISM – the use or close imitation of the thoughts or words of another individual, without crediting the source, as one's own original work.

PARENT – means parent, guardian or person in parental relation to a student.

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS) – a three-tiered approach to behavioral support that includes research-based proactive strategies for defining, teaching and supporting appropriate student behaviors to create a positive school environment.

RELATED SERVICES PROVIDERS – means staff members who provide any service to assist with a student's development and learning within the school setting. These may include, but are not limited to speech therapists, occupational therapists, physical therapists, school counselors, or psychologists.

RESPONSE TO INTERVENTION (RTI) – is a research-based data-driven school-wide system for student success and is an integral part of both *No Child Left Behind* and the *Individuals with Disabilities Education Act*. It includes the monitoring of instruction in the core curriculum to ensure it addresses the academic and behavioral needs of all students. For students who struggle, supplemental support is provided. For students who do not respond positively to the supplemental support, intensive interventions are provided. The RTI model has three uses. One is to predict those students who might be at-risk and prevent them from falling behind. The second is to identify students who require academic or behavioral intervention. The third is as a component in the identification process of students with potential learning and/or behaviorally related disabilities.

SCHOOL EMPLOYEE - means an employee as defined in subdivision 3 of section 1125 of the Education Law, or employee of a charter school.

SCHOOL FUNCTION – means any school-sponsored extra-curricular and/or co-curricular event or activity.

SCHOOL PROPERTY – means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, middle or secondary school, , including a charter school; or in or on a school bus, as defined in section 142 of the Vehicle and Traffic Law; or at a school function.

SEXTING – sending, receiving or forwarding sexually suggestive nude or nearly nude photos and/or messages through electronic communication.

SEXUAL HARASSMENT – is a form of sexual discrimination and, therefore, a violation of the state and federal laws that prohibit discrimination based on sex. Sexual harassment can be verbal, non-verbal, and/or physical, and is generally defined as the unwelcome and sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature, and includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings or other verbal or physical conduct or communication of a sexual nature.

SEXUAL ORIENTATION - means actual or perceived heterosexuality, homosexuality, bisexuality, or transsexuality.

SUSPENDING AUTHORITY – is an FEH BOCES principal/administrator/supervisor who recommends, in collaboration with a component school district principal or superintendent, the suspension of a student enrolled in a BOCES program.

VIOLENT STUDENT – means a student who:

1. Threatens, attempts, or commits an act of violence upon a school employee.
2. Threatens, attempts, or commits while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at a school function.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school property.

WEAPON – means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.

III. Student Rights and Responsibilities

A. STUDENT RIGHTS

The FEH BOCES is committed to safeguarding the rights given to all students under state and federal law. Students served in programs operated by FEH BOCES have the right to:

- To have a safe, healthy, orderly, and courteous school environment
- To take part in all FEH BOCES activities on an equal basis regardless of race, weight, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status or disability.
- To attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law
- To have school rules and conditions available for review and, whenever necessary, explanation by school personnel
- To be suspended from instruction only after his or her rights pursuant to Education Law Section 3214 have been observed; and
- In all disciplinary matters, to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction
- To express his/her opinions verbally as long as his/her expression does not interfere with the rights of others or disrupt normal school operation.
- To be protected from intimidation, harassment or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, sex, gender/gender identity, sexual orientation, or disability by employees or students on school property or at a school sponsored event, function or activity.

It shall be the **responsibility** of each student:

- To be familiar with and abide by all FEH BOCES policies, rules, and regulations pertaining to student conduct
- To work to the best of his/her ability in all academic and extracurricular pursuits and strive toward the highest level of achievement possible
- To conduct himself/herself, when participating in or attending school-sponsored extracurricular events, as a representative of the FEH BOCES and as such hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship.
- To seek help to develop mechanisms to control anger and to solve problems that might lead to conduct referral.
- To be in regular attendance at school and in class unless legally excused.
- To arrive at school and class, on time, and prepared to learn.
- To contribute to the maintenance of an environment that is conducive to learning and to show due respect to other persons and property.
- To dress in accordance with standards as identified by the Board and the superintendent.
- To make constructive contributions to the school and to report fairly on circumstances of school related issues.

- To react to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
- To accept responsibility for his/her actions.
- To respect one another and treat others fairly in accordance with the District Code of Conduct and the Provisions of the Dignity Act.
- To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination.
- To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

B. Recognition of Responsible Student Behavior and Accomplishments

Educators have learned that although steps to stop inappropriate behavior are necessary, praise and reward for responsible student behavior do more to encourage positive traits than anything else. Educators at FEH BOCES are encouraged to practice assertive discipline techniques that are positive and realistic when responding to negative behavior.

The FEH BOCES recognizes responsible student behavior in many ways and encourages additional methods of recognition when appropriate:

- Publicity of student achievement and activities in local newspapers and media outlets
- Individual Recognition Awards given by classroom teachers for positive social and academic growth, leadership, most improved, most skilled in trade, and professional excellence
- National Technical Honor Society induction ceremony and reception
- Publication of Honor and High Honor Rolls
- Graduation awards
- Recognition of Student Council Officers
- Senior breakfast
- Certificates of Endorsement (CTE)
- Administrative letters of recommendation
- Teacher “letters of recommendation”

C. Student Due Process Rights

In situations involving misconduct, students shall have the opportunity to present their version of the facts and circumstances, and students will not be suspended unless their rights to due process, as identified in Education Law 3214, have been observed. Working in conjunction with the Building Principals may suspend a student for a period of up to five days. In cases of this type, the Principal conducts an informal hearing with the student and other individuals who may have information concerning the situation. When a suspension is imposed the student and parent(s) are notified and a written record of the case is made. If the student and parent’s request, an informal conference will be held at which time the parents may question the person whose complaint initiated the suspension.

School personnel will identify problems and pursue appropriate, reasonable measures to affect student behavior. Parents, students and school personnel must work together to ensure the maintenance of the proper atmosphere for learning. Our objective is to provide all students an equal opportunity to grow intellectually, ethically, socially, emotionally, and physically.

The responses to student misconduct are designed to be fundamentally fair without imposing unreasonable burdens upon school authorities or students. General requirements in all instances include:

- Oral or written notice detailing the rules violation resulting in the conduct referral.
- An opportunity for the referred student to “tell his/her side of the story” to the person whose responsibility it is to investigate the situation.
- Explanation of the evidence of violation upon which action is being taken, should the student deny the infraction has occurred.
- When a student is referred to an administrator/designee for appropriate action, the administrator investigates the incident by meeting with the student and/or staff member, and additional students/staff as deemed necessary.
- Parental involvement ranges from written notification of the offense and consequence, to parent conferences with staff, student, and, if need be, outside agencies/authorities.
- A proper and accurate record of the offense and response is maintained for all incidents.

IV. Essential Partners

A. PARENTS/GUARDIANS

As part of the school community parents and guardians have a responsibility to:

1. Support a climate of mutual respect and dignity, which will strengthen students’ self-concept and promote confidence to learn and/or achieve goals;
2. Contribute to maintaining a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Collaborate jointly with the school to ensure their child(ren) have a positive school experience;
4. Send their children to school well rested, ready to participate and learn;
5. Ensure their children attend school daily and on time;
6. Ensure absences are excusable as defined by the Attendance Policy of the student’s component district, and provide written documentation in accordance with the Attendance Policy;
7. Support the student dress code by ensuring their children be dressed and groomed in a manner consistent with the student dress code;
8. Support technology practices by expecting their children to follow school rules regarding electronic communications.
9. Ensure their children understand that in a civil society appropriate rules are required to maintain a safe, orderly environment and to support their children to deal effectively within that civil society;
10. Understand school rules and help their children understand them;
11. Convey to and model for their children a supportive attitude toward education and the school;
12. Build appropriate and positive relationships with teachers, other parents and their children’s friends within the school community;
13. Inform school officials of changes within the child’s life and/or home situation that may affect student conduct or performance;
14. Ensure that their child(ren) have access to a place to study where homework assignments may be completed.

Every parent is an essential and valued partner in the educational community and, therefore, is invited and welcomed to participate in their child’s school experience.

B. TEACHERS

All FEH BOCES teachers are expected to:

1. Create and maintain a climate of mutual respect and dignity, which will strengthen students' self- concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as role models by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Be prepared to teach, utilizing the tenets of the *Principles of Learning*, including but not limited to written lesson plans, objectives (based on New York State Common Core Standards, technical industry standards, and/or SCANS,) outcomes and assessments;
5. Monitor student progress on a regular basis through the collection of data to determine their level of success with the curriculum and instruction. Differentiate instruction for those students who are not responding well to universal/initial instruction.
6. Complete and maintain accurate written legal records for each student, including, but not limited to, attendance, disciplinary and achievement records;
7. Communicate to students and parents:
 - a) course objectives and requirements
 - b) assignment deadlines
 - c) academic and behavioral expectations for students
 - d) school-wide and classroom core values and discipline plan
8. Communicate regularly with students, parents, district teachers and other personnel concerning student growth and achievement;
9. Implement school policies and rules, and employ them in a fair, timely and consistent manner;
10. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service;
11. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

C. SCHOOL COUNSELORS/SCHOOL PSYCHOLOGISTS

All FEH BOCES school counselors and school psychologists are expected to work with component school district to:

1. Create and maintain a climate of mutual respect and dignity which will strengthen students' self- concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as role models by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Assist students in coping with peer pressure and emerging personal, social and emotional issues;
5. Demonstrate interest and concern for students' achievement and well-being;
6. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences to support students, and, as necessary, as a way to resolve problems;
7. Regularly review with students their educational progress and career plans;
8. Provide information to assist students with career planning;
9. Encourage students to benefit from the curriculum and extra-curricular and/or co-curricular programs;
10. Implement school policies and rules, and employ them in a fair, timely and consistent manner;

11. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service;
12. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

D. RELATED SERVICE PROVIDERS

All FEH BOCES related service providers are expected to:

1. Create and maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living; and free from discrimination and harassment;
3. Serve as role models by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Attend and/or initiate conferences as necessary to monitor and adjust services to meet student needs;
5. Communicate with students, parents, teachers and other staff regarding growth and achievement;
6. Demonstrate interest and concern for students' achievement and well-being;
7. Follow established evaluation procedures in a timely manner;
8. Implement school policies and rules, and employ them in a fair, timely and consistent manner;
9. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
10. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

E. SUPPORT STAFF

All FEH BOCES support staff are expected to:

1. Support and maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn and/or achieve goals;
2. Support and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as role models by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Demonstrate interest and concern for students; achievement and well-being;
5. Carry out assigned duties in a conscientious manner;
6. Be responsible for using and maintaining facilities in an effective, safe and clean manner;
7. Implement school policies and rules, and employ them in a fair, timely and consistent manner;
8. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
9. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

F. DIGNITY FOR ALL STUDENTS COORDINATOR

All FEH BOCES Dignity for All Students Coordinators are expected to:

1. Create and maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as a role model by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Assist students in coping with peer pressure and emerging personal, social and emotional problems;

5. Demonstrate interest and concern for students' achievement and well-being;
6. Initiate teacher/student/counselor conferences and parent/teacher/student counselor conferences to support students, and, as necessary, as a way to resolve problems;
7. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
8. Implement school policies and rules, and employ them in a fair, timely and consistent manner;
9. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
10. Provide opportunities on an equal basis without regard to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

G. ADMINISTRATOR/SUPERVISOR

All FEH BOCES administrators/supervisors are expected to work with component school districts to:

1. Create and maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as a role model by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances;
5. Demonstrate interest and concern for students' achievement and well-being;
6. Evaluate on a regular basis all instructional programs;
7. Support the development of, and student participation in, appropriate extra-curricular and/or co-curricular activities;
8. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
9. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
10. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

H. DISTRICT SUPERINTENDENT/DEPUTY SUPERINTENDENT

FEH BOCES District and Deputy Superintendents are expected to work with component school districts to:

1. Create and maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn and/or achieve goals;
2. Create and maintain a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living, and free from discrimination and harassment;
3. Serve as a role model by treating students, parents, teachers, administration and other staff members equitably and with respect;
4. Review with FEH BOCES administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
5. Inform the Board about educational trends relating to student discipline;
6. Work to create instructional programs that minimize problems of misconduct, and are sensitive to student and teacher needs;
7. Work with FEH BOCES administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
8. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
9. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

I. COMPONENT SCHOOL DISTRICTS

All component school districts are expected to:

1. Support a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence;
2. Place students in a course of study that best meets their determined needs;
3. Work collaboratively with the FEH BOCES administration to ensure that the respective Codes of Conduct are carried out consistently;
4. Collaboratively review the Code of Conduct with the FEH BOCES administration annually to evaluate the Code's effectiveness, fairness and consistency of implementation.

J. BOARD OF EDUCATION

The Board of Education is expected to:

1. Support a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence;
2. Collaborate with student, teacher, administrator, parent organizations and school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, FEH BOCES personnel and visitors on school property and at school functions;
3. Adopt and review at least annually the FEH BOCES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
4. Keep in confidence personally identifiable information regarding students and their family members that has been obtained in the course of professional service.
5. Provide opportunities on an equal basis without regard to race, creed, color, national origin, age, marital status, disability or sex.

V. Student Dress Code

FEH BOCES expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The school district is responsible for seeing that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student, and that dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

1. Basic Principle: Certain body parts must be covered for all students at all times. Clothes must be worn in a way such that genitals, buttocks, breasts, and nipples are fully covered. However, cleavage should not have coverage requirements. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.
2. Students Must Wear, while following the basic principle of Section 1 above:
 - A Shirt (with fabric in the front, back, and on the sides under the arms), AND
 - Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts), AND
 - Shoes.
 - Program required Clothing

*Courses that include attire as part of the curriculum (for example, professionalism, program specific uniforms, public speaking, and job readiness) may include assignment-specific dress, but should not focus on covering bodies in a particular way or promoting culturally-specific attire. Activity-specific shoes requirements are permitted (for example, athletic shoes for PE, work boots for certain trade programs).

3. Students May Wear, as long as these items do not violate Section 1 above:
- Hats facing straight forward or straight backward. Hats must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff.
 - Religious headwear
 - Hoodie sweatshirts (wearing the hood overhead is allowed, but the face and ears must be visible to school staff).
 - Fitted pants, including opaque leggings, yoga pants and “skinny jeans”
 - Ripped jeans, as long as underwear and buttocks are not exposed.
 - Tank tops, including spaghetti straps; halter tops
 - Athletic attire
 - Visible waistbands on undergarments or visible straps on undergarments worn under other clothing (as long as this is done in a way that does not violate Section 1 above).
4. Students Cannot Wear:
- Violent language or images.
 - Images or language depicting/suggesting drugs, alcohol, vaping and tobacco or paraphernalia (or any illegal item or activity).
 - Bullet proof vest, body armor, tactical gear, or facsimile.
 - Hate speech, profanity, pornography.
 - Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized groups.
 - Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed)
 - Swimsuits (except as required in class or athletic practice).
 - Accessories that could be considered dangerous or could be used as a weapon.
 - Any item that obscures the face or ears (except as a religious observance).

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements below. School administration and staff shall not have discretion to vary the requirements in ways that lead to discriminatory enforcement.

- Students will only be removed from spaces, hallways, or classrooms as a result of a dress code violation as outlined in Sections 1 and 4 above. Students in violation of Section 1 and/or 4 will be provided three (3) options to be dressed more to code during the school day:
- Students will be asked to put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
- Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
- If necessary, students’ parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be affected by dress code enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.
- School staff shall not enforce the school’s dress code more strictly against transgender and gender nonconforming students than other students.
- Students should not be shamed or required to display their body in front of others (students, parents, or staff) in school. “Shaming” includes, but is not limited to:
 - kneeling or bending over to check attire fit;
 - measuring straps or skirt length;
 - asking students to account for their attire in the classroom or in hallways in front of others;
 - Addressing students in spaces, in hallways, or in classrooms about perceived dress code violations in front of others; in particular, directing students to correct sagged pants that do not expose the entire undergarment, or confronting students about visible bra straps, since visible waistbands and straps on undergarments are permitted; and,
 - accusing students of “distracting” other students with their clothing.

These dress code guidelines shall apply to regular school days and summer school days, as well as any school-related events and activities, such as graduation ceremonies, dances and prom. Students who feel they have been subject to discriminatory enforcement of the dress code should contact the Principal.

The nature of many BOCES programs require strict adherence to safety protocols that will be enforced. These protocols serve not to interfere with a student's individualism but rather ensure that safety remains a top priority.

Students participating in off-site, work based activities or placements will need to follow all policies and procedures set forth by that entity.

FEH BOCES student dress code supports equitable educational access and is written in a manner that does not reinforce stereotypes. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size. Our values are:

- All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self expression.
- Student dress code enforcement should not result in unnecessary barriers to school attendance.
- School staff should be trained and able to use student/body-positive language to explain the code and to address code violations.
- Teachers should focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Reasons for conflict and inconsistent and/or inequitable discipline should be minimized whenever possible.

Our student dress code is designed to accomplish several goals:

- Maintain a safe learning environment in all settings where protective or supportive clothing is needed, such as Trade programs, chemistry/biology (eye or body protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable (Where not safe and appropriate by specific CTE program guidelines).
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing or accessories with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs or vaping and tobacco or other illegal conduct or activities.
- Prevent students from wearing clothing or accessories that will interfere with the operation of the school, disrupt the educational process, invade the rights of others, jeopardize safety, or create a reasonably foreseeable risk of such interference or invasion of rights.
- Prevent students from wearing clothing or accessories that reasonably can be construed as being or including content that is racist, lewd, vulgar or obscene, or that reasonably can be construed as containing fighting words, speech that incites others to imminent lawless action, defamatory speech, or threats to others.
- Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.

VI. Prohibited Student Conduct

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

The best discipline is self-imposed. *Students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior.* FEH BOCES personnel who interact with students are expected to use positive behavioral strategies to place emphasis on the student's ability to grow in self-discipline. If a student fails to respond to the universal positive behavioral strategies the student will be referred for more intensive secondary or tertiary interventions.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who fail to modify their behavior after training/intervention will be required to accept the penalties for their conduct.

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

A. ENGAGE IN CONDUCT THAT IS DISORDERLY

Examples of disorderly conduct include, but are not limited to:

1. Engaging in any willful act which disrupts the normal operation of the school community.
2. Running in hallways.
3. Making unreasonable noise.
4. Using lewd, vulgar, or profane language or gestures.
5. Directing abusive language or gestures toward staff and/or students.
6. Horseplay or rough-housing.
7. Obstructing vehicular or pedestrian traffic.
8. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
9. Computer/electronic communications misuse and/or unauthorized use as determined by school personnel of electronic devices, computers, software, or Internet/Intranet account, accessing inappropriate web sites, or any other violation of the FEH BOCES acceptable use policy.
10. Loitering. Students are not permitted to loiter on school property.

B. ENGAGE IN CONDUCT THAT IS INSUBORDINATE

Examples of insubordinate conduct include, but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Tardiness, missing, or leaving school without permission.
3. Skipping detention.
4. Unauthorized use of vehicles.
5. Unauthorized transportation to and from school.

C. ENGAGE IN CONDUCT THAT IS DISRUPTIVE

Examples of disruptive conduct include, but are not limited to:

1. Engaging in conduct that interferes with the educational process of the student or his/her peers.
2. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students that interferes with the educational process of the student or his/her peers.
3. Inappropriate or disruptive use of electronic devices.
4. Participating in public displays of affection on school property, including school sponsored events.

D. ENGAGE IN CONDUCT THAT IS VIOLENT

Examples of violent conduct include, but are not limited to:

1. Committing an act of violence (such as, but not limited to, biting, hitting, kicking, punching, pushing and scratching) upon a teacher, administrator or other school employees, or attempting to do so.
2. Committing an act of violence (such as, but not limited to, biting, hitting, kicking, punching, pushing and scratching) upon another student or any other person on school property, or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Using a weapon.
7. Damaging or destroying the personal property of a student, teacher, administrator, other FEH BOCES employee or any person on school property, including graffiti or arson.
8. Damaging or destroying school property.
9. Communication by any means, including oral, written or electronic (such as through the Internet or email) on or off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

E. ENGAGE IN ANY CONDUCT THAT ENDANGERS THE SAFETY, MORALS, HEALTH OR WELFARE OF OTHERS

Examples of such conduct include, but are not limited to:

1. Encouraging, inciting and/or provoking other students to violate school rules or to commit acts of verbal or physical aggression.
2. Lying to school personnel.
3. Stealing the property of other students, school personnel or any other person on school property or attending a school function.
4. 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.
5. Discrimination, which is based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, as a basis for treating another in a negative manner.
6. Harassment, bullying or menacing which includes a sufficiently severe action or a persistent pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
7. Intimidation, bullying or menacing which includes engaging in actions or statements that put an individual in fear of bodily harm.

8. Cyberbullying, shall include, but is not limited to, the misuse to harass, tease, intimidate, threaten, embarrass, or terrorize another student or staff member by using technological tools through the use of information technology including e-mails, instant messages, text messages, digital pictures or images, sexting, website postings, blogs, chat rooms, pagers, cell phones, gaming systems, and any other electronic device. (a) Occurs on and/or off school property, (b) May be shared with a wide audience, (c) Allows for the continuous harassment in a variety of ways, using either BOCES or personal information technology equipment, including but not limited to the use of the Internet system, personal digital devices, cell phones, pagers, smart phones, music and media players, tablets, personal digital assistants, digital cameras, personal computers, and or any other electronic device that sends, receives, stores, reproduces or displays voice and/or text communication or data, (d) Occurs when technology is misused to harass, tease, intimidate, threaten, embarrass, or terrorize another student or staff member by using technological tools through the use of information technology including e-mails, instant messages, text messages, digital pictures or images, website postings, blogs, chat rooms, pagers, cell phones, and gaming systems. Such conduct has, or would have, the following effects: (a) Causing physical, emotional or mental harm to a student or staff member, (b) Causing fear of physical or emotional harm to the student or staff member, (c) Causing reasonable fear of loss or damage to personal property; and/or, (d) Creating an environment that is intimidating or hostile in which it interferes with the student's or staff member's educational process.
9. Bullying, this includes engaging in a hostile activity with harms or induces fear through the threat of further aggression and/or creates terror.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school-sponsored activity, organization, club or team.
11. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal and physical conduct or communication of a sexual nature in any format, including electronic.
12. Creating, selling, using, exchanging or possessing obscene material.
13. Using vulgar or abusive language, cursing or swearing.
14. Possessing, consuming, selling, distributing or exchanging any tobacco or tobacco related products, including electronic cigarettes.
15. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, powdered alcohol vaporizers, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic marijuana, synthetic opiates and any substances commonly referred to as "designer" drugs.
16. Inappropriately using or sharing prescription and over-the-counter drugs.
17. Using products in a manner other than the intended use by the manufacturer.
18. Violating privacy when using school restroom facilities.
19. Displaying signs of gang affiliation or gang related behaviors.
20. Soliciting or selling unauthorized merchandise.
21. Gambling or raffles.
22. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
23. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

F. ENGAGE IN MISCONDUCT WHILE ON A BOCES FUNCTION

1. It is crucial for students to behave appropriately while on a BOCES function to ensure their safety and that of others.
2. Students are required to conduct themselves on a BOCES function in a manner consistent with all the aspects of the established Code of Conduct.
3. Students are expected to follow the reasonable direction of the bus drivers, teachers, school administrators or other school employees.

G. ENGAGE IN MISCONDUCT WHILE ON SCHOOL BUS OR FEH BOCES VEHICLE

1. It is crucial for students to behave appropriately while riding on buses to ensure their safety and that of other passengers and to avoid distracting the bus driver.
2. Students are required to conduct themselves on the bus in a manner consistent with all the aspects of the established Code of Conduct. Excessive noise, pushing, shoving and fighting will not be tolerated.
3. Students are expected to follow the reasonable direction of the bus drivers, teachers, school administrators or other school employees.

H. ENGAGE IN ANY FORM OF ACADEMIC MISCONDUCT

Examples of academic misconduct include, but are not limited to:

1. Plagiarism
2. Cheating
3. Inappropriate copying
4. Altering records
5. Forgery
6. Violation of the Acceptable Use Policy
7. Fabrication
8. Inappropriate use of electronic devices
9. Assisting another student in any of the above actions

I. ENGAGE IN MISUSE OF ELECTRONIC DEVICES

Electronic device use will be designated by the following zone signs. Signs will be placed throughout FEH BOCES buildings.



Allowed



Not Allowed

Penalty Phase of Misuse of Electronic Devices:

- 1st offense: Verbal warning and parent/guardian contact.
- 2nd offense: Student hands electronic device to staff member. Electronic device will be delivered to the Main Office. Parent/Guardian pickup will be arranged.
- Every subsequent offense parent/guardian pickup will be arranged.

VII. Reporting Violations

Any student witnessing violations of the Code of Conduct, including but not limited to observing a student possessing a weapon, alcohol or illegal substance, or intimidating, harassing, bullying or menacing another person on school property or at a school function, shall report this information immediately to the nearest school staff person.

All FEH BOCES staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. FEH BOCES staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to the building principal, who shall, in turn, impose an appropriate disciplinary sanction, if s authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction. In addition, the BOCES staff member should notify their program administrator.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent and the component school district of the student involved for the appropriate disciplinary sanction, if warranted, which may include removal from the BOCES program, a superintendent's hearing, and/or referral for prosecution.

The building principal, or his or her designee, must notify the appropriate local law enforcement agency of those code violations that may constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation.

Parent notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain to the parent the conduct that violated the Code of Conduct and may constituted a crime.

VIII. Disciplinary Penalties, Procedures and Referrals

In instances where students participate in programs within the component school district buildings, students will be expected to adhere to the BOCES Code of Conduct and the Codes of Conduct of the school district of attendance and their home school district. In instances of code violations, the administration of the BOCES and the component school districts will work collaboratively to interpret and determine appropriate actions. All students will be afforded due process, which includes gathering information directly from the student. Disciplinary action, when necessary, will be firm, fair, consistent and on an individual basis so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age and developmental level.
2. The nature of the offense and the circumstances that led to the offense.
3. The student's prior disciplinary record.
4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.
7. Current legislation regarding students with disabilities.

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

For students with disabilities, discipline, if warranted, shall be administered consistent with the Part 200 regulatory requirements, including functional behavioral assessments and behavioral intervention plans, within the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability (see Section X.) A student identified as having a disability shall not be disciplined for behavior related to his/her disability. A request may be made to the Committee on Special Education for a meeting to review the student's program.

A. PENALTIES

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

1. VERBAL WARNING – Any member of the FEH BOCES staff.
2. BEHAVIOR REFERRALS OR INCIDENT REPORTS – Any member of the FEH BOCES staff.
3. VERBAL NOTIFICATION TO PARENT – Teacher or administrator/supervisor, Coordinator, Counselor.
4. WRITTEN NOTIFICATION TO PARENT – FEH BOCES principal, administrator/supervisor, component school district principal, or component school district superintendent or his or her designee.
5. DETENTION – FEH BOCES teachers, principal, administrator/supervisor, coordinator, component school district principal, or component school district superintendent or his or her designee.
6. SUSPENSION FROM TRANSPORTATION – FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, or component school district superintendent or his or her designee, or Director of Transportation.
7. SUSPENSION FROM SOCIAL OR EXTRA-CURRICULAR AND/OR CO-CURRICULAR ACTIVITIES – FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, or component school district superintendent or his or her designee.
8. SUSPENSION OF OTHER PRIVILEGES – FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, or component school district superintendent or his or her designee.
9. IN-SCHOOL SUSPENSION – FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, or component school district superintendent or his or her designee.
10. REMOVAL FROM CLASSROOM BY TEACHER – Teacher (up to two days with principal's approval and due process.)
11. REASSIGNMENT FROM CLASSROOM – Teacher, FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, or component school district superintendent or his or her designee.
12. SHORT-TERM (*FIVE DAYS OR LESS*) SUSPENSION FROM SCHOOL – FEH BOCES principal, administrator/supervisor, in collaboration with component school district principal, component school district superintendent or his or her designee, or component school district board of education.
13. LONG-TERM (*MORE THAN FIVE DAYS*) SUSPENSION FROM SCHOOL – component school district superintendent or his or her designee upon completion of a superintendent's hearing in collaboration with the FEH BOCES administration.
14. PERMANENT REMOVAL FROM FEH BOCES PROGRAM – Principal, administrator/supervisor, deputy superintendent, in collaboration with component school district principal, component school district superintendent or his or her designee, or component school district board of education.

B. PROCEDURES

In all cases regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have a right to due process, including an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties that exceed a verbal warning, written warning or written notification to their parents, are entitled to additional consideration before the penalty is imposed. A range of penalties is listed below:

1. DETENTION

Student coordinators, principals, directors and the component school district superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

2. SUSPENSION FROM BOCES TRANSPORTATION

If a student does not conduct himself/herself properly in a school vehicle, the driver or other supervising adult is expected to bring such misconduct to the building principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the component school district principal, superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation result in a suspension from attendance, the component school district, in cooperation with BOCES, will make appropriate arrangements to provide for the student's education.

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

3. SUSPENSION FROM EXTRA-CURRICULAR AND/OR CO-CURRICULAR ACTIVITIES AND OTHER PRIVILEGES

A student subjected to a suspension from extra-curricular and/or co-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 will be provided with a reasonable opportunity for an informal conference with the FEH BOCES official imposing the suspension to discuss the conduct and the penalty involved.

4. ALTERNATE EDUCATION SETTING

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes building principals and the component school district superintendent to place students who would otherwise be suspended from school as a result of a Code of Conduct violation, in an "alternate education setting."

A student subjected to an alternate education setting is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the FEH BOCES official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. TEACHER DISCIPLINARY REMOVAL OF DISRUPTIVE STUDENTS

Time-honored classroom management techniques such as those outlined in this paragraph, do not constitute disciplinary removal for purposes of this Code. 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 manage a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave

the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in the classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to a counselor or other FEH BOCES staff member for counseling.

On occasion, a student's behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the education 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.

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 for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must immediately contact the office to notify administration that the student has been removed, or to seek help if a student refuses to leave, using the Emergency Response Code. **The teacher must, however, explain to the student why he or she is being removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours. A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.**

The teacher must complete an FEH BOCES established disciplinary removal form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form in the office for the principal's review, and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another FEH BOCES administrator designated by the principal, must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

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

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parent a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and the principal.

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

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher, and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

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

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or other BOCES administrator that he removal will not violate the student's rights under state or federal law or regulation.

6. SUSPENSION FROM SCHOOL

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

The FEH BOCES Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the component school district superintendent and component school district principals, in collaboration with FEH BOCES principals.

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

a. SHORT-TERM (5 DAYS OR LESS) SUSPENSION FROM SCHOOL

When the component school district superintendent, component school district principal or FEH BOCES principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3) the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents, in writing, that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours, of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed, and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

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

After the conference, the 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 component school district superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The component school district superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the component school district superintendent’s decision, they must file a written appeal to the component school district board of education with the district clerk within ten business days of the date of the component school district superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the component school district board may be appealed to the Commissioner within 30 days of the decision.

b. LONG-TERM (MORE THAN 5 DAYS) SUSPENSION FROM SCHOOL

When the component school district superintendent or component school district principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The component school district superintendent shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer 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 tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the component school district superintendent. The report of the hearing officer shall be advisory only, and the component school district superintendent may accept all or any part thereof.

An appeal of the decision of the component school district superintendent may be made to the component district board that will make its decision based solely upon the record before it. All appeals to the component school district board must be in writing and submitted to the district clerk within ten business days of the date of the component school district superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The component school district board may adopt, in whole or in part, the decision of the component school district superintendent. Final decision of the component school district board may be appealed to the Commissioner within 30 days of the decision.

c. PERMANENT SUSPENSION

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

C. MINIMUM PERIODS OF SUSPENSION

1. STUDENTS WHO BRING A WEAPON TO SCHOOL

Any student, other than a student with a disability (see Section X,) found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The component school district superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the component school district superintendent may consider the following:

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

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

2. STUDENTS WHO COMMIT VIOLENT ACTS OTHER THAN BRINGING A WEAPON TO SCHOOL

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

3. STUDENTS WHO ARE REPEATEDLY SUBSTANTIALLY DISRUPTIVE OF THE EDUCATIONAL PROCESS, OR REPEATEDLY SUBSTANTIALLY INTERFERE WITH THE TEACHER'S AUTHORITY OVER THE CLASSROOM

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

4. REFERRALS

1. COUNSELING

FEH BOCES administrators, acting building administrators, or student coordinator(s)/liaison(s) shall handle all referrals of students to counseling, in collaboration with school counselors.

2. PINS PETITIONS

The component school district may file a PINS (Person In Need of Supervision) petition the Department of Social Services on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05. A single violation of §221.05 will be sufficient basis for filing a PINS petition.

5. JUVENILE DELINQUENTS AND JUVENILE OFFENDERS

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

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

The component school district superintendent is required to refer students age 16 and older, or any student 14 or 15 years old who qualifies for juvenile offender status, to the appropriate law enforcement authorities.

IX. Alternative Instruction

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

X. Discipline of Students with Disabilities

The FEH BOCES Board of Education recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities who violate the district's student code of conduct, and/or to temporarily remove a student with disabilities from his or her current placement because maintaining the student in that placement is substantially likely to result in injury to the student or to others. The Board also recognizes that students with disabilities deemed eligible for special education services under the IDEA and Article 89 of New York's Education Law enjoy certain procedural protections that school authorities must observe when they decide to suspend or remove them. Under certain conditions those protections extend, as well, to students not currently deemed to be a student with a disability but determined to be a student presumed to have a disability for discipline purposes.

Therefore, the Board is committed to ensuring that the district follows suspension and removal procedures that are consistent with those protections. The code of conduct for students is intended to afford students with disabilities and students presumed to have a disability for discipline purposes the express rights they enjoy under applicable law and regulations.

Definitions

For purposes of this portion of the code of conduct, and consistent with applicable law and regulations, the following definitions will apply:

1. *Behavioral intervention plan (BIP)* means a plan that is based on the results of a functional behavioral assessment and that, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.
2. *Controlled substance* means a drug or other substance abuse identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
3. *Disciplinary change in placement* means a suspension or removal from a student's current educational placement that is either:
 - a) For more than 10 consecutive school days; or
 - b) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.
4. *Illegal drug* means a controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health-care professional, or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of federal law.
5. *Interim alternative educational setting (IAES)* means a temporary educational placement, other than the student's current placement at the time the behavior precipitating the IAES placement occurred. An IAES must allow a student to continue to receive educational services that enable him or her to continue to participate in the general curriculum and progress toward meeting the goals set out in the student's individualized education program; as well as to receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

6. *Manifestation review* means a review of the relationship between the student's disability and the behavior subject to disciplinary action required when the disciplinary action results in a disciplinary change of placement, and conducted in accordance with requirements set forth later in this policy.
7. *Manifestation team* means a district representative knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the committee on special education as determined by the parent and the district.
8. *Removal* means a removal of a student with a disability for disciplinary reasons from his or her current educational placement, other than a suspension; and a change in the placement of a student with a disability to an IAES.
9. *School day* means any day, including a partial day that students are in attendance at school for instructional purposes.
10. *Serious bodily injury* means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
11. *Student presumed to have a disability for discipline purposes* means a student who, under the conditions set forth later in this policy, the district is deemed to have had knowledge was a student with a disability before the behavior that precipitated the disciplinary action.
12. *Suspension* means a suspension pursuant to §3214 of New York's Education Law.
13. *Weapon* means the same as the term "dangerous weapon" under 18 USC §930(g)(2) which includes a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except a pocket knife with a blade of less than two and one-half inches in length.

Authority of School Personnel to Suspend or Remove Students with Disabilities

The Board, District Superintendent, Superintendent of Schools or a Building Principal with authority to suspend students under the Education Law may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days.

The Superintendent may, directly or upon the recommendation of a designated hearing officer, order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed ten consecutive school days inclusive of any period in which the student has been suspended or removed for the same behavior pursuant to the above paragraph, if the Superintendent determines that the student's behavior warrants the suspension. The Superintendent also may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as the suspensions do not constitute a disciplinary change of placement.

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the

Definitions

In addition, the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period in excess of ten consecutive school days if the manifestation team determines that the student's behavior was not a manifestation of the

School personnel will consider any unique circumstances on a case-by-case basis when determining whether a disciplinary change in placement is appropriate for a student with a disability who violates the district's code of conduct.

In addition, school personnel may not suspend or remove a student with a disability in excess of the amount of time that a non-disabled student would be suspended for the same behavior.

Parental Notification of a Disciplinary Change of Placement

The district will provide the parents of a student with a disability notice of any decision to make a removal that constitutes a disciplinary change of placement because of a violation of the student code of conduct. Such notice will be accompanied by a copy of the procedural safeguards notice.

Authority of an Impartial Hearing Officer to Remove a Student with a Disability

An impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 school days at a time if he or she determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others. This authority applies whether or not the student's behavior is a manifestation of the student's disability.

Manifestation Review

A review of the relationship between a student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the student's disability will be made by the manifestation team immediately, if possible, but in no case later than 10 school days after a decision is made by:

- a) The Superintendent to change the placement of a student to an IAES;
- b) An impartial hearing officer to place a student in an IAES; or
- c) The Board, the Superintendent, or Building Principal to impose a suspension that constitutes a disciplinary change in placement.

The manifestation team must determine that the student's conduct was a manifestation of the student's disability if it concludes that the conduct in question was either:

- a) Caused by or had a direct or substantial relationship to the student's disability, or
- b) The direct result of the district's failure to implement the student's individualized education program.

The manifestation team must base its determination on a review all relevant information in the student's file including the student's individualized education program, any teacher observations, and any relevant information provided by the parents.

If the manifestation team determines that the student's conduct is a manifestation of the student's disability, the district will:

- a) Have the committee on special education conduct a functional behavioral assessment of the student and implement a behavioral intervention plan, unless the district had already done so prior to the behavior that resulted in the disciplinary change of placement occurred. However, if the student already has a behavioral intervention plan, the CSE will review the plan and its implementation, and modify it as necessary to address the behavior.
- b) Return the student to the placement from which he or she was removed, unless the change in placement was to an IAES for conduct involving weapons, illegal drugs or controlled substances or the infliction of serious bodily injury, or the parents and the district agree to a change in placement as part of the modification of the behavioral intervention plan.

If the manifestation team determines that the conduct in question was the direct result of the district's failure to implement the student's individualized education program, the district will take immediate steps to remedy those deficiencies.

Services for Students with Disabilities during Periods of Suspension or Removal

Students with disabilities who are suspended or removed from their current educational setting in accordance with the provisions of this policy and applicable law and regulation will continue to receive services as follows:

- a. During suspensions or removals of up to 10 school days in a school year that do not constitute a disciplinary change in placement, the district will provide alternative instruction to students with disabilities of compulsory attendance age on the same basis as non-disabled students. Students with disabilities who are not of compulsory attendance age will receive services during such periods of suspension or removal only to the same extent as non-disabled students of the same age would if similarly suspended.
- b. During subsequent suspensions or removals of up to 10 school days that in the aggregate total more than 10 school days in a school year but do not constitute a disciplinary change in placement, the district will provide students with disabilities services necessary to enable them to continue to participate in the general education curriculum and to progress toward meeting the goals set out in their respective individualized education program. School personnel, in consultation with at least one of the student's teachers, will determine the extent to which services are needed to comply with this requirement.

In addition, during such periods of suspension or removal the district will also provide students with disabilities services necessary for them to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

During suspensions or removals in excess of 10 school days in a school year that constitute a disciplinary change in placement, including placement in an IAES for behavior involving weapons, illegal drugs or controlled substances, or the infliction of serious bodily injury, the district will provide students with disabilities services necessary to enable them to continue to participate in the general curriculum, to progress toward meeting the goals set out in their respective individualized education program, and to receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

In such an instance, the committee on special education will determine the appropriate services to be provided.

Students Presumed to Have a Disability for Discipline Purposes

The parent of a student who is facing disciplinary action but who was not identified as a student with a disability at the time of misconduct has the right to invoke any of the protections set forth in this policy in accordance with applicable law and regulations, if the district is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred and the student is therefore a student presumed to have a disability for discipline purposes.

- a) If it is claimed that the district had such knowledge, it will be the responsibility of the Superintendent, Building Principal or other authorized school official imposing the suspension removal in question for determining whether the student is a student presumed to have a disability for discipline purposes. The district will be deemed to have had such knowledge if:
- b) The student's parent expressed concern in writing to supervisory or administrative personnel, or to a teacher of the student that the student is in need of special education. Such expression may be oral if the parent does not know how to write or has a disability that prevents a written statement; or

- c) The student's parent has requested an evaluation of the student; or
- d) A teacher of the student or other school personnel has expressed specific concerns about a pattern of behavior demonstrated by the student, directly to the district's director of special education or other supervisory personnel.

Nonetheless, a student will not be considered a student presumed to have a disability for discipline purposes if notwithstanding the district's receipt of information supporting a claim that it had knowledge the student has a disability,

- a) The student's parent has not allowed an evaluation of the student; or
- b) The student's parent has refused services; or
- c) The District conducted an evaluation of the student and determined that the student is not a student with a disability.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if the district receives a request for an individual evaluation while the student is subjected to a disciplinary removal, the district will conduct an expedited evaluation of the student in accordance with applicable law and regulations. Until the expedited evaluation is completed, the student shall remain in the educational placement determined by the district which can include suspension.

Expedited Due Process Hearings

The district will arrange for an expedited due process hearing upon receipt of or filing of a due process complaint notice for such a hearing by:

- a) The district to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement;
- b) The district during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings;
- c) The student's parent regarding a determination that the student's behavior was not a manifestation of the student's disability; or
- d) The student's parent relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

The district will arrange for, and an impartial hearing officer will conduct, an expedited due process hearing in accordance with the procedures established in Commissioner's regulations. Those procedures include but are not limited to convening a resolution meeting, and initiating and completing the hearing within the timelines specified in those regulations.

When an expedited due process hearing has been requested because of a disciplinary change in placement, a manifestation determination, or because the district believes that maintaining the student in the current placement is likely to result in injury to the student or others, the student will remain in the IAES pending the decision of the impartial hearing officer or until the expiration of the period of removal, whichever occurs first unless the student's parent and the district agree otherwise.

Referral to Law Enforcement and Judicial Authorities

Consistent with its authority under applicable law and regulations, the district will report a crime committed by a student with a disability to appropriate law enforcement and judicial authorities. In such an instance, The Superintendent will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration to the appropriate authorities to whom the crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

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

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

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any FEH BOCES employee is strictly forbidden. The FEH BOCES will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's Regulations.

However, in situations where alternative procedures and methods were proven to be unsuccessful, reasonable physical guidance may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Redirect, restrain or remove a student whose behavior interferes with the orderly exercise and performance of FEH BOCES functions, powers and duties, if that student has refused to refrain from further disruptive acts.

XII. Student Searches and Interrogations

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the FEH BOCES Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the building principals, the school nurse or other BOCES administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the FEH BOCES Code of Conduct.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than FEH BOCES employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. FEH BOCES employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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

A. STUDENT LOCKERS, DESKS AND OTHER SCHOOL STORAGE PLACES

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. DOCUMENTATION OF SEARCHES

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

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

The building principal, or his or her designee under extraordinary circumstances, shall be responsible for the custody, control and disposition of any illegal or dangerous item(s) taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s,) until the item(s) is/are turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

C. POLICE INVOLVEMENT IN SEARCHES AND INTERROGATION OF STUDENTS

FEH BOCES officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

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

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall be at the discretion of the administrator. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function. Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

D. CHILD PROTECTIVE SERVICES INVESTIGATIONS

Consistent with the FEH BOCES commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated, the FEH 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.

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview if the principal deems it appropriate. The principal or his or her designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other FEH BOCES medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or FEH BOCES school official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parents' consent.

XIII. Visitors to the Schools

The FEH BOCES Board of Education encourages parents and other community members to visit the FEH BOCES schools and classrooms and to attend and participate in school functions. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member, or school official, government or county, or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.

4. Parents or community members who wish to observe a classroom while school is in session are required to arrange such visits in advance with the building principal, so that class disruption is kept to a minimum. The FEH BOCES principal will be the sole determinant of the appropriateness of the visit.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XIV. Public Conduct on School Property

The FEH BOCES is committed to providing a safe, positive and behaviorally supportive educational environment conducive to learning, teaching and living that is free from discrimination and harassment. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school

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

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

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

A. PROHIBITED CONDUCT

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school property or the personal property of a teacher, administrator, other FEH BOCES employee, or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, distribute or exchange tobacco products including electronic cigarettes, alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers, or except as specifically authorized by the FEH BOCES.
11. Loiter on or about school property.

12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable FEH BOCES officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this Code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

B. PENALTIES

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

1. **Visitors:** authorization, if any, to remain on school grounds or at the school function, shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal. The police may be called if the situation warrants.
2. **Students:** shall be subject to disciplinary action as the facts may warrant, in accordance with the dues process requirements.
3. **Tenured faculty members:** shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020(a) or any other legal rights that they may have.
4. **Staff members:** in the classified service of the civil service are entitled to the protection of Civil Service Law §75 or any other legal rights that they may have.
5. **Staff members:** (other than those described in subdivisions 3 & 4) shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any other legal rights that they may have.

C. ENFORCEMENT

The FEH BOCES District Superintendent or his or her designee shall be responsible for enforcing the conduct required by this Code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat or injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited

conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XV. Dissemination and Review

A. DISSEMINATION OF CODE OF CONDUCT

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

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

The FEH BOCES Board of Education will sponsor an in-service education program for all FEH BOCES staff members to ensure the effective implementation of the Code of Conduct. The component school district superintendents may solicit recommendations of the FEH BOCES staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The FEH BOCES Board of Education will review this Code of Conduct 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.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

FEH BOCES Complaint Form

Name: _____ Grade: ____ Today's Date: _____

School District: _____ Date of Incident: _____

Describe the incident(s). Please include when and where it happened. Be specific (Attach additional papers, if necessary):

List the name(s) of the individual(s) accused of instigating the incident:

Were there any witnesses? _____Yes _____No If yes, please list the individual(s).

I certify that all statements on this form are accurate and true to the best of my knowledge.

Date

Signature

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.). Return this form to the Principal or Dignity Act Coordinator. In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

Anonymous complaints will be processed to the extent possible.

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

REPORT OF A DISRUPTIVE STUDENT

To: _____ (Building Principal)
Date: _____
From: _____ (Teacher) _____ (Grade Level & Subject Matter)
Regarding _____ (Grade Level & Instruction Class)

Classified Student: Yes No

I am referring to you the above-named student who was disruptive on _____ (date or dates).

The student was substantially disruptive of the educational process.
The student substantially interfered with my authority over the classroom.

A description on the reverse details the events, the particular conduct, what I did, what I said, and what the student or others said.

Has the student a history of disruptive behavior? Yes No
I removed the student from my class: Yes No

_____ The student was accompanied by an adult to the Principal's office.
_____ Number of days student removed from classroom

I provided the student with an explanation of the basis for the removal and allowed the student to informally present the student's version of the relevant events Yes No

If the answer is NO, complete the next paragraph:

Within 24 hours of the student's removal, I shall provide the student with an explanation of the basis for the removal and give the student an informal opportunity to be heard. I shall provide my Building Principal with the details, including what I said and what the student said, within six hours of my conversation with the student.

Specify what you believe would be the appropriate additional action to be taken:

I have attached to this form the class and homework assignments to be completed by the student for the period of the student's exclusion from my class.

DATE: _____ SIGNATURE OF TEACHER: _____

HISTORY:

This was the first time this school year that I removed the student Yes No

If YES, provide the details of the other removal(s), including date, length of removal and the circumstances of each removal.

SIGNATURE OF TEACHER: _____

ROUTING: Complete immediately & hand-deliver to BOCES administrator

Reviewed 4/27/15

DETAILS OF THE PARTICULAR CONDUCT, WHAT I DID, WHAT I SAID, AND WHAT THE STUDENT OR OTHERS SAID:

WITNESSES TO THESE EVENTS:

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

**ACTION OF BUILDING PRINCIPAL
ON REMOVAL OF A STUDENT FROM CLASS**

This form was received by me on _____(date) at _____(time).

I informed the person in parental relationship to the student of the student's removal as well as the reason(s) for removal.

A copy of the notification is attached.

The written notification was given within 24 hours of the removal.

Written notice was given as follows:

Personal delivery

Express mail to the last known address(es) of the parent or person in parental relationship to the student

Other (*DESCRIBE must be reasonably calculated to assume receipt of the notice within 24 hours of the removal*)

Proof of service is attached.

The student and the person in parental relationship _____ did _____ did not
request an informal conference to discuss the reason(s) for removal.

If an informal conference was requested, complete the following:

The conference was held within 48 hours of the student's removal from class

The informal conference was held on: _____(Date/time/place)

Those present were:

The reason(s) for removal are as stated on the reverse: (*summary of what was said*)

The student as well as the person in parental relationship were given an opportunity to present the student's version of the relevant events. The following was stated:

BUILDING PRINCIPAL (OR DESIGNEE)

I designate _____, a school administrator, to act in my behalf regarding this matter.

DATE: _____

BUILDING PRINCIPAL

Reviewed 4/27/15

REASON(S) FOR REMOVAL OF STUDENT:

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

**PRINCIPAL'S DETERMINATION REGARDING REMOVAL
OF A STUDENT FROM THE CLASSROOM**

NAME OF STUDENT: _____

NAME OF TEACHER: _____

REMOVAL FROM CLASSROOM: _____

PERIOD OF REMOVAL: _____

I have considered all the information provided, which consists of the following:

I have interviewed the following individuals:

Based upon the foregoing, the removal is:

supported by substantial evidence
not supported by substantial evidence

OR

the student's removal is in violation of the law

OR

the conduct warrants suspension from school and such
suspension will be imposed.

DATE: _____

BUILDING PRINCIPAL (OR DESIGNEE)

To: Removing Teacher
Superintendent
Person in Parental Relationship
Student

Reviewed 4/27/15

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

**PRINCIPAL NOTIFICATION OF STUDENT'S REMOVAL FROM THE
CLASSROOM AND FOR AN INFORMAL CONFERENCE**

To: _____ (*Student*)

_____ (*Person in Parental Relationship*)

You are advised that in accordance with Education Law §3214 (3-a), the following student was removed from the classroom:

NAME OF STUDENT: _____

NAME OF TEACHER WHO REMOVED THE STUDENT: _____

DURATION OF REMOVAL FROM THE CLASSROOM BY THE TEACHER: _____

Under the provisions of Education Law §3214 (3-a), the student has been removed from a classroom. The person acting in a parental relationship to the student, or the student, may request that they be provided an informal conference with the Building Principal or designee to discuss the reason(s) for the student's removal. If at the conference the student denies the charges, there shall be provided an explanation of the basis for the removal and the student will be allowed to present his or her version of the relevant events.

If you desire to have such a conference, you must advise me today, using the attached form, of your request. You may contact me at _____ if you desire a conference. If I do not receive such request today, I shall assume you do not intend to have an informal conference.

DATE: _____

BUILDING PRINCIPAL (OR DESIGNEE)

Reviewed 4/27/15

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

**PERSON IN PARENTAL RELATIONSHIP REQUEST
FOR AN INFORMAL CONFERENCE**

If you desire to request an informal conference, complete the following:

An informal conference is hereby requested in relation to the removal of:

_____ (*student*) from the class of

_____ (*teacher*) on _____ (*date*).

DATE: _____

PERSON IN PARENTAL RELATIONSHIP

The informal conference was held on _____ (*date*). A summary of the
conference is as follows:

PERSON IN PARENTAL RELATIONSHIP

The informal conference was held _____ (*date*). A summary of the
onference is as follows:

BUILDING PRINCIPAL (OR DESIGNEE)

Reviewed 4/27/15

TEACHER'S REPORT OF A VIOLENT STUDENT

Regarding: _____ (Grade Level & Instruction Class)
 _____ (Name of Student)

committed an act of violence upon a teacher, administrator or other school employee;
committed, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
possessed, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
displayed, while on school district property, what appeared to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
threatened, while on school district property, to use any instrument that appeared capable of causing physical injury or death;
knowingly and intentionally damaged or destroyed the personal property of a teacher, administrator, or other school district employee, or any person lawfully upon school district property; or
knowingly and intentionally damaged or destroyed school district property.

- DATE: _____ SIGNATURE OF TEACHER: _____

56

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

**DISPOSITION OF A VIOLENT STUDENT
BY BUILDING PRINCIPAL**

Education Law § 3214 (3)(b)(2) states: A teacher shall immediately report and refer a violent student to the Principal or Superintendent for a violation of the Code of conduct and a minimum suspension period.

The following occurred in relation to the REPORT OF A VIOLENT STUDENT:

- A. The report was received on _____
- B. Details of the investigation, including those interviewed. Attached are written statements.
- C. I conclude herein that the specifics of my findings are:
- D. My specific actions, in detail, are:
- E. Referred to law enforcement: No Yes (*supply details*)

DATE: _____

BUILDING PRINCIPAL (OR DESIGNEE)

To: Superintendent
Reporting Teacher

Reviewed 4/27/15

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES

SAMPLE LETTER

PRINCIPAL SUSPENSION – FIVE DAYS OR LESS

To: _____ (*Student*)
_____ (*Person in Parental Relationship*)

I have suspended _____, a student at _____ for a period of _____ days, from _____ to _____ under the provisions of Education Law § 3214 (3)(b).

A description of the incident(s) which resulted in the suspension is as follows:

The suspended student and the person in parental relationship to such student, on request to me, will be given an opportunity for an informal conference with me at which time either the student or person in parental relationship may present the student's version of the event and may ask questions of the complaining witnesses.

If you desire this informal conference, I may be contacted at _____ between the hours of 8:00 A.M. AND 4:00 P.M. If I am not available when you call, leave your name and number and I shall return your call.

DATE: _____

BUILDING PRINCIPAL

Reviewed 4/27/15

BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES **EDUCATION LAW**
§ **3214 (3) AND REGULATION § 100.2(1)(4) FOR SUSPENSION**
OF FIVE DAYS OR LESS

SUSPENSION CHECKLIST

Student Name _____ D.O.B. _____ Grade _____

Address _____ Phone _____

Parent/Guardian _____

Date(s) of Suspension _____

_____ I gave student (oral/written) notice of the charges against the student in enough detail to allow the student to understand the nature of the accusation. (See attached letter).

The student: _____ understood the charges
_____ admitted they were true
_____ denied they were true
_____ offered the following details: _____

_____ I have checked to see if the student is receiving special education services and have determined that the student (is) (is not) a special education student. If the student is receiving special education services, the proposed suspension adding the number of days of suspension this school year totals _____.

_____ I have arranged for tutoring if the child is disabled or of compulsory school age.

_____ I telephoned the parent or person in parental relationship to the student on: _____ A.M.
/P.M.

_____ No one answered the telephone. I called _____ times.

_____ I left a message on the answering machine.

_____ I had a conversation with _____.

Substance of conversation: _____

_____ Within twenty-four (24) hours of the suspension, I sent written notice of the suspension to the student and the parent, or person in parental relation ,and offered an opportunity for an informal conference (copy of the notice attached). Written notice was given as follows: _____ Personal Delivery; _____ Express Mail to the last known address(es) of the parent o

person in parental relation to the student; _____ Other: _____ (specify).

_____ The following law enforcement agency was contacted because of the seriousness of this matter. Give details, including agency and person contacted, date and time: _____

Date

Signature of Building Principal

Reviewed 4/27/15

**BOARD OF COOPERATIVE EDUCATIONAL SERVICES
SOLE SUPERVISORY DISTRICT
FRANKLIN-ESSEX-HAMILTON COUNTIES**

Bullying Referral Form

Date: _____ **Reporting Person:** _____

Name(s) of Victim(s)	Name(s) of Student(s) Alleged Bullying	Name(s) of Witnesses/Bystanders

Type of Alleged Bullying (circle all that apply):

Called Mean Names Excluded Hit, Kicked, Punched Told Lies or False Rumors
Threatened Racial Comments Sexual Comments Took/Damaged Possessions

Other (explain): _____

Where did the alleged bullying happen? (circle all that apply):

Field Hallway In Class with Teacher In Class without Teacher
Bathroom Line-up Area Lunchroom To/From School
Bus Stop Bus Other: _____

People the Victim has Spoken to About the Alleged Bullying Incident (circle all that apply):

Teacher Other Adult at School Parent/Guardian Sibling Friend

Other: _____

Explain what you witnessed: _____

* * * * * *For Office Use Only* * * * * *

Repeat Bullying Offender ____Yes ____No, Step _____

Parent Contact? ____Yes ____No

Referral? ____Yes ____No