

**OTSEGO NORTHERN CATSKILLS BOCES  
CODE OF CONDUCT**

**#5300**

# **OTSEGO NORTHERN CATSKILLS BOCES**

## **CODE OF CONDUCT**

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## **CODE OF CONDUCT**

### **I. INTRODUCTION**

The Board of Education endeavors to provide 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 district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

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

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

### **II. DEFINITIONS**

For purposes of this code, the following definitions apply.

“Cyberbullying” means harassment/bullying, as defined in Harassment/ Bullying section below, through any form of electronic communication on school property, including at school functions, by any student and/or employee. Cyberbullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. Acts of harassment and bullying that are prohibited include those acts based on a person’s actual or perceived membership in the following groups including, but not limited to: race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, physical appearance, sex, sexual orientation, gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided , however, that in all provisions of this article dealing with employment, the term must be limited to the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law § 11[4] and Executive Law §292[21])

“Discrimination” against any student by a student or students and/or employee or employees on school property or at a school function in including, but not limited to , discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Disruptive Behavior” means a deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

“Emotional harm” takes place in the context of “harassment or bullying,” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means that any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§11[4] and 1125[3])

“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law § 11[6])

“Harassment/bullying” is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law § 11(8) that,

- a) Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student;
- d) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions. (Education Law § 11[7])



“Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

“ISS” means In School Suspension.

“OSS” means Out of School Suspension

"Parent" means parent, guardian or person in parental relation to a student.

“SAVE” means Safe Schools Against Violence in Education – New York State's violence prevention legislation.

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law § 11[1] and Vehicle and Traffic Law § 142)

"School function" means any school-sponsored extra-curricular event, activity, or field trip on or off campus.

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

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

“VADIR” means Violent and Disruptive Incident Reporting – New York State Education uniform reporting system for violent incidents.

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
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 district 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 cutters, 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, object, material or substance that can cause physical injury or death when used to cause physical injury or death.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

#### **A. Student Rights**

The district endeavors to safeguard the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

#### **B. Student Responsibilities**

All district students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn, comply with the attendance policy previously established by the Otsego Northern Catskills BOCES.

4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

#### **IV. ESSENTIAL PARTNERS**

The Otsego Northern Catskills BOCES Board of Education recognizes that parents, teachers, guidance counselors, principals, administration, and the board play active and important roles in implementing this code.

#### **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, crop tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Recognize that skirts and shorts shorter than fingertip length are not appropriate
4. Ensure that underwear is completely covered with outer clothing.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Permit the wearing of hats in the buildings while respecting the decisions of instructors as to whether hats are permitted in their classrooms.
7. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

9. Be appropriate as required by the student's program to include uniforms, smocks, specific shoes or protective clothing and accessories.

Each Building Principal or his/her designee(s) shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year by the Board of Education.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out- of-school suspension.

#### **VI. PROHIBITED STUDENT CONDUCT (See student discipline chart below)**

### **OTSEGO NORTHERN CATSKILLS BOCES STUDENT DISCIPLINE CHART**

The following chart applies to students' conduct concerning any school functions, including but not limited to those off campus, i.e. field trips, conferences, and competitions.

Administrators at the ONC BOCES retain discretion to reduce or augment the recommended penalties enumerated below if mitigating or exacerbating factors and/or the student's anecdotal record of prior offenses warrant the consideration.

It is impossible to identify all types of offenses and penalties. If a student is insubordinate or disorderly in a manner not specifically enumerated below, it will be treated within the context of the overall policy. Reference may be made to Education Law §2801.

All penalties are considered possible penalties and are imposed at the discretion of ONC BOCES administrators. The range of penalties may include, but are not limited to:

1. Oral warning
2. Written warning
3. Verbal or written notification to parent
4. Lunch detention
5. Suspension from social or extracurricular activities
6. Parent conference
7. Suspension of other privileges
8. In-school suspension
9. Removal from classroom by teacher
10. Suspension from school
11. Permanent suspension from BOCES

12. Parent conference
13. Peer support group
14. Restitution and restoration
15. Changes in class schedule
16. Corrective instruction or other relevant learning or service experience
17. Student counseling
18. Supportive intervention and/or mediation
19. Behavioral assessment or evaluation
20. Behavioral management plan, with benchmarks that are closely monitored
21. Student treatment or therapy
22. Adult Mentor
23. Reflective Writing Activity

OFFENSE	1 <sup>ST</sup> INSTANCE	2 <sup>ND</sup> INSTANCE	3 <sup>RD</sup> OR GREATER INSTANCE
<b>LEVEL 1 OFFENSES</b>			
<b>Cheating in Class/on Exams</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff may handle; Component School contact; Parent contact; Administrator referral; ISS	Administrator referral; Component School contact; Parent contact; ISS/OSS; Subsequent offenses treated as repeated insubordination
<b>Display or Use of Personal Electronic Devices</b>	<i>Display or use of personal electronic devices, including but not limited to, cell phones, iPods, digital cameras, are prohibited during school hours. Electronic devices must be turned off at all times.</i>		
	Teacher/Staff handles; Verbal warning; Student/teacher conference	Administrator referral; ISS; electronic device will be confiscated by Administration until end of day	Administrator referral, ISS/OSS; Subsequent offenses treated as repeated insubordination; electronic device will be confiscated by Administration until Parent pickup
<b>Disruptive Behavior</b>	<i>A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.</i>		

	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact; Administrator referral	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Dress Code Violation</b>	<i>Dress, grooming and appearance must be safe, appropriate and not disrupt or interfere with the educational process. The intent of the dress code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society.</i>		
	Teacher/Staff handles; verbal warning; Student/teacher conference; Parent contact; Change of clothing	Administrator referral; verbal warning; Parent contact; Component School contact; ISS; Change of clothing	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Excessive display of affection</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact; Administrator referral	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Gambling</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference; Parent Contact	Administrator referral; Verbal warning; Parent contact; Component School contact; ISS	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Profanity/Abusive Language</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Administrator referral; OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Tardiness to school or class</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact	Administrator referral; Parent phone contact; Parent written Notification; Subsequent offenses treated as repeated insubordination

<b>Truancy</b>	<i>Missing school without a legal excuse</i>		
	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher or staff may handle; Component School contact; Parent contact; Administrator referral; ISS	Administrator referral; Component School contact; Parent contact; ISS; Subsequent offenses treated as repeated insubordination
<b>Wandering</b>	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact	Administrator referral; One day ISS; Parent contact; Subsequent offenses treated as repeated insubordination



OFFENSE	1 <sup>ST</sup> INSTANCE	2 <sup>ND</sup> INSTANCE	3 <sup>RD</sup> OR GREATER INSTANCE
<b>LEVEL 2 OFFENSES</b>			
<b>Cutting Class</b>	<i>Missing or skipping a class</i>		
	Administrator referral; verbal warning; Parent contact	Administrator referral; verbal warning; Parent contact; Component School contact; ISS	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Driving/Riding without a permit</b>	Administrator referral; Returned to Component School on Component School bus; ISS; Loss of driving privileges; Parent contact	Administrator referral; Returned to Component School on Component School bus; ISS; Loss of driving privileges; Parent contact	Administrator referral; Returned to Component School on Component School bus; ISS/OSS; Loss of driving privileges; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Forging Notes</b>	Administrator referral; ISS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; Component School contact; Parent contact; ISS/OSS; Subsequent offenses treated as repeated insubordination
<b>Inappropriate Computer Usage</b>	Teacher/Staff handles; verbal warning, Student/teacher conference; Administrator referral; Loss of computer privileges, ISS/OSS; Notification of law enforcement	Teacher/Staff handles; verbal warning, Student/teacher conference; Administrator referral; Loss of computer privileges, ISS/OSS; Notification of law enforcement	Administrator referral; Complete loss of computer privileges; ISS/OSS; Notification of law enforcement; Subsequent offenses treated as repeated insubordination
<b>Insubordination</b>	<i>Refusing to follow a staff member's direction; talking back; being deliberately or socially rude, expressed disrespect toward any BOCES employee, or becoming argumentative with any BOCES employee.</i>		
	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral;	Administrator referral; ISS/OSS; Component School contact; Parent contact and/or conference; Removal



	referral; Component School contact; ISS/ OSS	Component School contact; ISS/ OSS; Removal from program	from program
<b>*Minor Altercation</b>	<i>Involving physical contact and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.</i>		
	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Profanity/Abusive Language directed at staff</b>	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS;	Administrator referral; OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>Possession, Use, and/or Distribution of Tobacco on School Grounds or During School Function</b>	Administrator referral; ISS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS, Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination

OFFENSE	1 <sup>ST</sup> INSTANCE	2 <sup>ND</sup> INSTANCE	3 <sup>RD</sup> OR GREATER INSTANCE
<b>LEVEL 3 OFFENSES</b>			
<b>*Criminal Mischief</b>	<i>Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>Dangerous Action</b>	<i>Any action that is considered dangerous or unsafe, but does not meet the criteria of other offenses.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
<b>*Intimidation, Harassment, Menacing, Bullying / Cyber-Bullying</b>	Harassment/bullying is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law § 11(8). <i>See further definitions in CODE OF CONDUCT DEFINITIONS/EXPLANATIONS section.</i>		
	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Supportive intervention	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Change in class schedule; Supportive intervention; Behavioral assessment or evaluation; Behavioral management plan; student counseling; Student treatment or therapy; Removal from program	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Change in class schedule; Supportive intervention; Behavioral assessment or evaluation; Behavioral management plan; student counseling; Student treatment or therapy; Removal from program
<b>*Larceny or</b>	<i>Unlawful taking and carrying away of personal property with intent to deprive the</i>		

<b>Other Theft Offenses</b>	<i>rightful owner of property. Permanently or unlawfully withholding property from another.</i>		
	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution/payment	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution/payment	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Restitution/payment; Removal from program
<b>Leaving School Grounds without written consent or ONC BOCES permission</b>	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>Possession of drug paraphernalia</b>	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; ISS/OSS	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program
<b>Possessing or Distributing Pornographic Material</b>	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Removal from program	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Removal from program	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Removal from program
<b>*Reckless Endangerment</b>	<i>Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination

OFFENSE	1 <sup>ST</sup> INSTANCE	2 <sup>ND</sup> INSTANCE	3 <sup>RD</sup> OR GREATER INSTANCE
<b>LEVEL 4 OFFENSES</b>			
<b>*Assault with Physical Injury</b>	<i>Intentionally or recklessly causing physical injury to another person</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>*Assault with Serious Physical Injury</b>	<i>Intentionally or recklessly causing serious physical injury to another person</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>*False Alarm</b>	<i>Falsely activating a fire alarm or other disaster alarm</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>*Possession, Use, Distribution of Weapon</b>	<i>Bringing a weapon or possessing a weapon at school, which may include a pocket, pen or other knives, look alike fake weapons, or other devices, instruments, materials or substances ("Other Items") that can cause physical injury or death when used to cause physical injury or death or, when such Other Items are brandished as a weapon.</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program

<b>* Possession, Use, Sale, Distribution of Drugs or Alcohol</b>	<i>Illegally using or possessing alcohol or a controlled substance on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol or a controlled substance, including look-alikes, and prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others. A student shall be considered "under the influence" if he or she has consumed an illegal substance or alcohol within a time period reasonably approximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function.</i>		
	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program
<b>*Sexual Offenses</b>	<i>Voluntary or forcible inappropriate sexual contact</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>Violent Student</b>	<i>Any action by a student that is violent in nature, but does not met the criteria of the other offenses.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
<b>*Arson</b> <b>*Bomb Threat</b> <b>*Homicide</b> <b>*Kidnapping</b> <b>*Burglary</b> <b>*Robbery</b>	<i>Deliberately starting a fire.</i> <i>A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.</i> <i>Any conduct that results in the death of another person</i> <i>To abduct a person so as to restrain such person with intent to prevent his or her liberation</i> <i>Entering or remaining unlawfully on school property with intent to commit a crime.</i> <i>Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.</i>		
	Administrator referral; OSS; Component School contact; Parent contact;	Administrator referral; OSS; Component School contact; Parent contact;	Administrator referral; OSS; Component School contact; Parent contact;



	Notification of law enforcement; Removal from program	Notification of law enforcement; Removal from program	Notification of law enforcement; Removal from program
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**\*VADIR Category**

### ***STUDENT DISCIPLINE CHART DEFINITIONS/EXPLANATIONS***

<b>Term</b>	<b>Definition/Explanation</b>
<b>Cyber Bullying</b>	Cyber bullying means harassment/bullying, as defined in Harassment/Bullying section below, through any form of electronic communication on school property, including at school functions, by any student and/or employee. Cyber bullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to: race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, physical appearance, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression).
<b>Disability</b>	Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided , however, that in all provisions of this article dealing with employment, the term must be limited to the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law § 11[4] and Executive Law §292[21])
<b>Discrimination</b>	Discrimination against any student by a student or students and/or employee or employees on school property or at a school function in including, but not limited to , discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
<b>Disruptive Behavior</b>	A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.
<b>Disruptive Student</b>	A secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
<b>Emotional Harm</b>	Emotional harm takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

<b>Employee</b>	Employee means that any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§11[4] and 1125[3])
<b>Gender</b>	Gender means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law § 11[6])
<b>Harassment/Bullying</b>	<p>Harassment/bullying is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law § 11(8) that,</p> <ul style="list-style-type: none"> <li>e) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or</li> <li>f) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or</li> <li>g) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student;</li> <li>h) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.</li> </ul> <p>For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law § 11[7])</p>
<b>Hazing</b>	Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
<b>ISS</b>	In School Suspension
<b>OSS</b>	Out of School Suspension
<b>Parent</b>	A Parent, guardian or person in Parental relation to a student.
<b>SAVE</b>	Safe Schools Against Violence in Education – New York State's violence prevention legislation
<b>School function</b>	Any school sponsored extra-curricular event, activity, or field trip on or off campus.
<b>School property</b>	Any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

<b>School Bus</b>	School Bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law § 11[1] and Vehicle and Traffic Law § 142)
<b>Sexual Orientation</b>	Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law § 11[5]).
<b>*VADIR</b>	Violent and Disruptive Incident Reporting – New York State Education uniform reporting system for violent incidents

## REPORTING DISCRIMINATION, HARRASSMENT AND BULLYING

### **Dignity Act Coordinator: 286-7715 (OAOC), 588-6291(NCOC)**

- 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, 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.



## **SAVE PROVISIONS AND DUE PROCESS:**

1. Under Education Law SAVE, teachers may remove “substantially disruptive” students by filling out a discipline referral form. Staff (LTA) may refer under SAVE through their teacher; for direct referral, they and others must refer to the administration again by filling out a discipline referral form. In all instances, common sense and good judgment should be the rule. In many circumstances, teachers and staff can diffuse the situation. In general, teachers are expected to maintain home contacts with potentially problematic students to promote good communication. If a teacher puts a student out of class under the SAVE provisions, the teacher is expected to make an attempt to call home and follow up with a letter.
2. Under SAVE, the Principal conducts a review of the incident within 24 hours and must find substantial evidence to overturn the action.
3. Four referrals to the office under SAVE must result in removal from program.
4. Refer to Education Law §2801.

## **VII. EMERGENCY PLANS**

In conformance with Section 155.17 of the Commissioner’s Regulations, school safety plans have been developed by representative committees at the buildings in the BOCES. They are on file in the district superintendent’s office and conform to the requirements in the regulation in conjunction with the student code of conduct in this regulation and hereby incorporated into this regulation.

## **VIII. REPORTING VIOLATIONS**

All violations will be reported online through the Classmate student management system.

<b>CODE</b>	<b>CONDUCT</b>
1	Suicidal (attempt, gesture, ideation)
2	Weapon possession*
3	Physical assault - (causes a physical injury to student, staff, faculty or other person)*
4	Fighting on school property*

5	Physical Harassment - (kicks, bites, punches, shoves or has physical contact of some nature without causing a physical injury to a student, staff, faculty or other person)*
6	Verbal harassment*
7	Sexual harassment*
8	Use/Possession of drugs*
9	Use/Possession of alcohol*
10	Possession of drug paraphernalia*
11	Truancy (3 or more incidents of un-excused school absences)
12	School property violation (theft, destruction, vandalism, trespass, other)*
13	School disruption violation (bomb threat, false fire alarm)*
14	OTHER

\* Categories of conduct that may constitute a violation of law, a misdemeanor or a felony. When using one of these categories it is recommended that the elements of the conduct be discussed with a member of the Department of Social Services/Sheriff's Department Special Investigations Unit or another law enforcement member. The school may have the option to press criminal charges and contact with the Special Investigations Unit will allow them to understand what those options are.

## **IX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board endeavors to promote procedures for suspending, removing or otherwise disciplining students with disabilities that are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply:

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the District (BOCES) Superintendent of Schools or a Principal 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 and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
  - c. The Superintendent 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 those removals do not constitute a change of placement.
  - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries a weapon to school or, possesses one in school, or carries a weapon to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) 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...[for] a pocket knife with a blade of less than 2 ½ inches in length."
- (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

#### Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. for more than ten consecutive school days; or
  - b. for a period of ten 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 ten school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

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

## Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
  - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than ten school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
  - b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
  - a. The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
  - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information

supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
- (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

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 a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with a disability subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with a disability subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than



ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

#### Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
  - a. The district requests such a hearing 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, or 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.
  - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
    - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
    - (2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business

days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

#### Referral to Law Enforcement and Judicial Authorities

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

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

#### **X. CORPORAL PUNISHMENT**

- A. Corporal Punishment: any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.
- B. Physical Force: in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:
  1. Protect oneself, another student, teacher or any person from physical injury.
  2. Protect the property of the school or others.
  3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment and physical force with the Commissioner of Education in accordance with Commissioner's regulations.

#### **XI. STUDENT INTERROGATIONS AND SEARCHES**

The Board of Education endeavors to provide an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"- type warning before being questioned by school officials, nor are school officials required to contact a student's parent



before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

The rules in this code regarding searches of students and their personal belongings do not apply to student lockers, desks, and other school storage places which are school property. School property may be searched at any time by school officials, without prior notice to students and without their consent.

Scent dogs may be used to assist in a search on school property. ONC BOCES reserves the right to conduct searches of vehicles parked on school property.

## **XII. VISITORS TO THE SCHOOLS**

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The 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 staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal upon arrival at the school.

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 citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s).
5. Teachers shall not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property must be reported by any person 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 must abide by the rules for public conduct on school property contained in this code of conduct.

### **XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY**

The district endeavors to provide an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, “public” shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

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

All persons on 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. Penalties**

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

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

2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**B. Enforcement**

The Principal or his/her designee(s) shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee(s) sees an individual engaged in conduct which is prohibited under this code and which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or 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 district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

**XIV. DISSEMINATION AND REVIEW**

**A. Dissemination of Code of Conduct**

The Board 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.

2. Making copies of the code available to all parents at the beginning of the school year.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The ONC BOCES will maintain a copy of the current Code of Conduct at its website: [www.oncboces.org](http://www.oncboces.org)

The Board 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.

Adopted by the BOCES Board: July 23, 2001

Revised: August 26, 2002, August 25, 2003, May 24, 2005, January 23, 2008, April 30, 2008, June 22, 2010; August 22, 2012; July 10, 2013

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