

### I. INTRODUCTION

The BOCES is committed to providing a safe and orderly educational environment where students receive and BOCES personnel deliver quality educational services without disruption or interference. The BOCES is also committed to maintaining a climate of mutual respect and dignity in the schools to promote learning within a safe environment. Responsible behavior by students, teachers, other BOCES personnel, parents and other visitors is essential to achieving these goals.

BOCES is committed to provide training to all employees, including school and district administrators and instructional and non-instructional staff at least annually to ensure a proactive anti-bullying/harassment approach that stresses the prevention of incidents through education and enlightenment. This training will enable employees to prevent and respond to incidents of discrimination, harassment, intimidation and bullying and serve to raise awareness and sensitivity to potential acts of discrimination, harassment, intimidation and bullying directed at students that are committed by students or school employees on school property or at school functions; including but not limited to, discrimination, harassment, intimidation and bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, or gender.

The Western Suffolk BOCES Board has a long-standing set of expectations for conduct on school property, at school functions, and while traveling to and from school and school events. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, as well as the following BOCES beliefs:

- We are a diverse community of children and adults who are reflective, life-long learners.
- Our community of children and adult learners is a valuable resource entitled to the highest quality instruction and equitable service.
- Respect, honesty, and trust are essential in all our interactions.
- Integrity, continuous assessment, high standards, and innovation are the foundation of organizational success.
- The integrity and high standards of our educational programs are reflected in our students and provide them with the skills they need to become responsible citizens and useful members of society.
- Successful organizations create effective operational systems and depend upon individuals who take responsibility for their actions, are accountable for the programs and services they deliver, and use all their energies to fulfill the expectations of those who count on them.
- Effective communication of accurate information within BOCES and to all our stakeholders enhances involvement and reduces conflict.
- Production of quality outcomes depends on the collective effort of a well-trained, motivated and healthy workforce who are encouraged to express their opinions.
- Everyone has the right to a safe, healthy and caring environment which fosters respect and high expectations, maximizes potential, motivates interest and enthusiasm, and encourages the pursuit of happiness.

The Board recognizes the need to clearly define the expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly including the prompt notification of local law enforcement agencies when a violation of the Code of Conduct is believed to constitute criminal conduct. To this end, the Board adopts this Code of Conduct ("Code"). Itinerant teachers are expected to adhere to the building and/or program parameters for discipline of each location in working with students attending that school.

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:

**“Act of Violence”** means violent incident which occurs on school property and is defined by subdivision (gg) of Section 100.2 of the Commissioner’s Regulations and the criteria set forth by the State Education Department in the glossary of definitions under the Uniform Violent Incident Reporting System.

**“Arson”** is deliberately starting a fire with intent to destroy property.

**“Assault with Serious Physical Injury”** is intentionally or recklessly causing serious physical injury to another person. Serious physical injury creates a substantial risk of death or causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**“Assault with Physical Injury”** is intentionally or recklessly causing physical injury to another person. Physical injury means impairment of physical condition or substantial pain.

**“Behavior Intervention Room”** (different programs within BOCES may use other terms such as Re-direction Program) means a special location or room within a school building that is used for students who need to be temporarily placed under continual staff supervision in a safe environment more conducive to their needs in order to gain composure or avoid a potential problem.

**“Behavior Management System”** means a process or system of consequences for behavior that is developed by staff in a particular building or program which is used by staff and students in order to monitor and improve student behaviors. Point accumulation, levels and rewards are all part of a typical behavior management system, especially within the BOCES special education programs.

**“Bomb Threat”** is a telephoned, written, or electronic message that a bomb, explosive, chemical or biological weapon has been placed on school property.

**“Bullying”** means the intentional and repeated intimidation of others who are considered by the offender to be weaker, with cruelty, thereby creating

a hostile environment. Bullying may involve physical, verbal or electronic intimidation through gestures or social exclusion based on but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

**“Building”** means the physical site (school) where a program's services are delivered to students. BOCES may refer to buildings as "centers" or “campuses.”

**“Building Administrator”** means a certified administrator who is responsible for the supervision and management of a building or program.

**“Cisgender”** describes a person whose gender identity corresponds to their assigned sex at birth.

**“Color”** The term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of their race.

**“Committee on Special Education (CSE)”** means the Committee on Special Education, subcommittee on special education, or other multidisciplinary team of the student's home school district.

**“Controlled Substance”** means a drug or chemical substance whose possession and use are controlled by law.

**“Crisis Intervention”** means those verbal and non-verbal techniques that enable staff to maintain control in crisis situations through calm, confident actions that help staff defuse a disruptive or violent student and reduce the potential for physical injury to all who are present. In non-violent crisis intervention, the staff’s primary responsibility is always for the care, welfare, safety and security of our students and staff. Physical restraint may be used when all other techniques have been exhausted and is necessary to control and protect the health and safety of students and staff.

**“Cyberbullying”** the repeated use of information technology either on or off of school property including e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media web sites to deliberately harass, threaten or intimidate others. It may involve sending mean, vulgar, private information about another person; pretending to be someone else to make that person look bad, or intentionally excluding someone

from an online group using either school or personal information technology equipment. **Also includes:**

- **Cyberstalking:** Repeated harassment that includes threats or harm or that is highly intimidating and intrusive upon one's personal privacy.
- **Denigration:** "Dissing" someone online. Sending or posting cruel gossip or rumor about a person to damage his or her reputation or friendships.
- **Flaming:** Online fights using electronic messaging with angry and/or vulgar language.
- **Happy Slapping:** An extreme form of bullying where physical assaults are recorded on mobile phones or digital cameras and distributed to others.
- **Impersonation:** Breaking into someone's account, posing as that person and sending messages to make the person look bad, get that person in trouble or danger, or damage that person's reputation or friendships.

**"Defamation"** means making false or slanderous 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.

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

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

**"Disciplinary Change in Placement"** means a long term suspension or removal by the home school district of a student with a disability from his/her current educational placement that is either for more than ten consecutive school days or 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 accumulate to more than ten school days in a school year.

**"Disrupting the Educational Process"** means behavior that materially or substantially disrupts the educational process, whether on school property or at school-sponsored events and activities such behavior shall not be tolerated and shall subject the offending pupil to appropriate disciplinary action. Students may be disciplined for conduct that occurred outside of the school that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. Behavior which disrupts the educational process shall include, but not be limited to:

- Conduct which threatens the health, safety, or welfare of others;
- Conduct which may damage public or private property, including property of students or staff;
- Illegal activity;
- Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities, or
- Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or district operations.

**"Electronic Device"** includes cameras, camcorders, radios, beepers, MP3 players, iPods, music players, cell phones, tape recorders, laptops, tablets, iPads, computers, phone watch and any electronic device which assists in communications.

**"Emotional Harm"** that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonable and substantially interfere with a student's education.

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

**“Ethnic Group”** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**“Firearm”** means “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.” (per 18 U.S.C. § 921).

**“Formal Removal by Teacher”** means the action by a teacher to have a disruptive student removed from the classroom. Classroom management techniques for controlling student behavior, defusing a situation and/or preventing a crisis, which may involve brief periods of time spent out of the classroom, are not considered "formal removal by a teacher" for purposes of this code.

**“Gang”** means any group or sub-group that has a common purpose, a membership, a structured hierarchy and a pattern of continued criminal activity over time.

**“Gender”** means actual or perceived sex and includes a person’s gender identity or expression.

**“Gender Identity and Expression”** is an individual’s internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns. This has also been described by the Empire State Pride Agenda as the way in which

people self-identify and present their masculinity and femininity to the world.

**“Gender Nonconforming (GNC)”** is used to describe people whose gender expression differs from the stereotypic expectations. The terms “gender variant” or “gender atypical” are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

**“Harassment and bullying”** means the creation of a hostile environment by employees or students on school property or at school functions by conduct or by verbal threats, intimidation or abuse, including cyberbullying as defined in educational law section 11(8) that either: 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; including conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm or b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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. This definition is inclusive of acts of harassment or bullying that occur on school property, at a school function or off school property where such acts create 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 the purpose of this definition, emotional harm means harm to a student’s well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

**“Material Incident of Harassment, Bullying and/or Discrimination”** is defined as a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a **verified** incident or a series of related **verified** incidents of harassment or bullying that occur off school property where such acts create 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, **and** is the subject of a written or oral complaint to the district superintendent, principal, or their designee, or other school employee.

**“Hazing”** means any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any BOCES or school-sponsored activity, organization, club or team.

**“Illegal or Controlled Substances”** means, but is not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, non-prescribed prescription drugs and any substances commonly referred to as "designer drugs."

**"Individualized Educational Program (IEP)"** means a written statement developed, reviewed and revised in accordance with section 200.4 of the Regulations of the Commissioner that includes the components specified in section 200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

**"Individuals with Disabilities Education Act (IDEA)"** means the Federal laws related to the education of students with disabilities.

**“Insubordination”** means failing to comply with the reasonable directions of teachers, school administrators or any other school employee.

**“Intimidation”** includes threatening, stalking, or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process. This includes any form of harassment that does not involve actual physical contact but does involve the threat of harm, including verbal harassment. This means actions or statements, including bullying, that put an individual in fear of bodily harm and/or emotional discomfort.

**“Itinerant Teacher”** means a certified staff member who provides specialized services, such as hearing, vision, or other educationally related services or

special subject content such as physical education, art, music, or language instruction (i.e. Spanish) to students and is not assigned to one program or building. These teachers usually travel to various BOCES or district sites in order to deliver specialized services or curricula to students.

**"Long Term Suspension"** means an out-of-school suspension of six consecutive school days or more.

**"Manifestation Determination"** means a review of the relationship between the student's disability and the behavior subject to disciplinary action that is conducted by the Committee on Special Education (CSE) of the student's home school district.

**“Menacing”** is intentionally placing or attempting to place another person in fear of imminent physical injury.

**“Mischief (criminal)”** is the intentional or reckless damaging of property of the school or another person including, but not limited to, vandalism and the defacing of property with graffiti.

**“National origin”** means a person’s country of birth or their ancestor’s country of birth.

**"Non-Instructional Staff"** means non-pedagogical staff such as clerical, custodial, and food service personnel who are located within a school building and provide operational support to the school program.

**"Other Administrative, Managerial, and Technical Staff"** means those individuals employed by BOCES who are responsible for central office operations and/or for specialized instructional or administrative management services who provide support and/or oversight to various BOCES programs and/or to component districts.

**"Other Privileges"** means co-curricular activities which may occur during or after regular school hours, on or off school property, such as Youth leadership activities, field trips, etc.

**"Paraprofessionals"** means teacher aides who work under the supervision of a teacher to support the instruction of students.

**"Parent or Guardian"** means a natural or adoptive parent, a guardian, a person in parental relationship to the child as defined in Education Law section 3212 or a surrogate parent who has been appointed

in accordance with section 200.5(m) of this Part. The term does not include the State if the student is a ward of the State. A foster parent may act as a parent if the natural parent's authority to make educational decisions on the student's behalf has been extinguished under state law; and the foster parent has an ongoing, long-term parental relationship with the student; is willing to make the educational decisions required of parents; and has no interest that would conflict with the interests of the student.

**"Positive School Climate"** means a setting where all students and staff experience a safe, healthy and caring environment which fosters learning and high expectations, maximizes potential, and stimulates interest and enthusiasm.

**"Principal's Designee"** means another certified administrator or instructional staff member designated by the principal.

**"Program"** means a BOCES service which provides learning experiences in order to address academic, behavioral, developmental or career needs of students. A program can be center-based or can exist in more than one building.

**"Race"** means geographically local or global human population groups distinguished as a more or less distinct group by genetically transmitted physical characteristics.

**"Reckless Endangerment"** is conduct that subjects individuals to danger by recklessly engaging in behavior that creates a substantial risk of serious injury or physical injury, but no actual physical injury results. A person acts recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur.

**"Religion"** a person's group or religion is the specific fundamental beliefs and practices generally agreed to by large numbers of the group, a body of persons adhering to a particular set of beliefs and practices.

**"Religious Practice"** this term includes practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities.

**"Robbery"** is forcible stealing from a person by violence or threat of violence with or without a weapon.

**"School Bus"** Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of 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.

**"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 any BOCES program location, or in or on a school bus, as defined in Vehicle & Traffic Law §142.

**"School Function"** means any school-sponsored extracurricular event or activity.

**"Sex"** means the biological and physiological characteristics that define men and women (male and female).

**"Sexting"** means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email using either school or personal information technology equipment.

**"Sexual Harassment"** means overt or subtle behaviors and comments of a sexual nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile or offensive working or educational environment.

**"A Sexual Offense which involves forcible compulsion and aggravated sexual contact"** means to compel by either a) use of force or b) a threat, express or implied, which places another person in fear of immediate physical injury.

**"A Sexual Offense which involves forcible compulsion and inappropriate sexual contact"** means the use of force or threat to touch the sexual or other intimate parts of a person whether directly or through clothing.

**“Other Sexual Offenses”** means inappropriate sexual contact with no forcible compulsion. This would include incidents of sexual contact that do not involve the use of force or threat with a child under 17 years of age or a child unable to consent by reason of disability.

**“Sexual Orientation”** actual or perceived heterosexuality, homosexuality, or bisexuality.

**"Short-Term Suspension"** means an out-of-school suspension of from one to five consecutive school days.

**"Student Support Staff"** means any staff member who provides direct educationally related services that assist students in preventing and resolving personal, social, emotional, academic and physical problems.

**“Synthetic Cannabinoids or Synthetic Marijuana”** means products that are produced, distributed, marketed, and sold as legal alternatives to marijuana and often carry a label stating ‘not for human consumption’ to disguise the true nature of the substance. Synthetic cannabinoid products are sold as incense, herbal mixtures, or potpourri. They are often sold in convenience stores, gas stations, and smoke shops. These products are commonly smoked.

**“Teacher”** means any staff member appointed by BOCES to provide direct instruction to school age or adult students in a BOCES program.

**“Transgender”** refers to people who identify their gender differently from what is traditionally associated with the sex assigned to them at birth. This includes people who have undergone medical procedures to change their sex and those who have not. Transgender can be gay, straight or bisexual.

**“Trespassing”** means unauthorized presence on any school property, other than the one a student regularly attends, without permission from the administrator in charge of the program.

**"Violent Student"** means a school age student or adult who:

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school

property or at the school function, or attempts to do so.

- Possesses a weapon with the intent to menace while on school property or at a school function.
- Displays a weapon or what appears to be a weapon while on school property or at a school function.
- Threatens to use a weapon while on school property or at a school function.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys BOCES property or attempts to do such.

**"Weapons Possession”:** Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

**“Weapons” include:**

- a. a firearm, including but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun; bb gun or paintball gun
- b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife.
- c. A billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- d. A sandbag or sand club;
- e. A sling shot or slung shot
- f. A martial arts instrument, including but not limited to, a kung fu star, ninja star, nunchuck, or shiriken;
- g. An explosive, including but not limited to, a firecracker or other fireworks;
- h. A deadly or dangerous chemical, including but not limited to, a strong acid or base, mace, or pepper spray;
- i. An imitation gun;
- j. Loaded or blank cartridges or other ammunition, or
- k. Any other deadly or dangerous instrument.

**“Weight”** aside from its obvious meaning in the physical sciences, in weight discrimination legislation from a variety of sources, the word is

used in reference to a person's size or sometimes interchangeably with a person's size.

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

All student interaction and communication among themselves, teachers, school administrators, other school personnel, and visitors on school property will be acceptable, civil, and respectful.

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

BOCES is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all BOCES students have the right to:

- Take part in all BOCES activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Present their version of the relevant events to the appropriate school personnel in connection with the imposition of disciplinary consequences.
- Be informed of school rules and, when necessary, receive an explanation of those rules from school personnel.
- Treat all students and school personnel in a kind courteous manner regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Promptly report any witnessed acts of harassment and/or bullying to the school Dignity Act Coordinator or school staff.

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

All BOCES students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and to property.
- Be familiar with and abide by all BOCES policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by all school staff in a respectful, positive manner.
- Utilize available resources to control their anger.

- Ask questions when they do not understand.
- Seek help in solving problems.
- Dress appropriately for school and school functions consistent with the Building Dress Code.
- Be accountable for their actions.
- Conduct themselves as representatives of BOCES when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- Promptly report violations of the Code of Conduct to a teacher, student support staff, the building administrator or his or her designee. When incidents of harassment/intimidation/bullying/ discrimination are reported, BOCES will follow the specific steps described in Policy 6560.

### **IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE SCHOOL CLIMATE**

#### **A. Parents and Guardians**

All parents and guardians are expected to:

- Recognize that the education of their children is a joint responsibility of the parents/guardians and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school daily and on time.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Know school rules and help their children understand them.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- Promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process
- Convey to their children a supportive attitude toward education and BOCES.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.



- Respond promptly to school personnel when requested to do so.
- Be aware of behavioral changes that may indicate that their child is either participating in the harassment or bullying of another student or that they are being harassed or bullied either in school, at a school function or on the school bus.
- Report immediately, either oral or written, to their child's building administrator or any other school personnel any known incidents of harassment or bullying by students or employees on school property, at a school function or on the school bus. When incidents of harassment/intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.
- Encourage a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

#### **B. Teachers**

All teachers are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen the student's self-concept and promote confidence to learn.
- Demonstrate interest in teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
- Know BOCES policies and school rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including but not limited to:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
  - f. Building-wide behavior management plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Adhere to the Code of Conduct for the districts or district-based school in which itinerant teachers (see definition) are providing services.
- Be knowledgeable of effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.

- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Report violent students to the building administrator.
- Implement age/grade/functioning level appropriate anti bullying/harassment instruction in the classroom to increase awareness of anti-harassment/bullying initiatives.
- Confront issues of discrimination, harassment, intimidation and bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the teacher's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property, at a school function, on the school bus, or that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. This report shall be made not later than one school day after the teacher witnesses or is made aware of such incidents. When incidents of harassment/ intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.
- Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Address personal biases that may prevent equal treatment of all students in the school or classroom.

#### **C. Paraprofessionals**

All paraprofessionals are expected to:

- Work under the direct supervision of a teacher utilizing the teacher's lesson plan and classroom/building behavior management plan.
- Utilize crisis intervention techniques.
- Maintain a climate of mutual respect and dignity which will strengthen the self-concept of students and promote learning.

- Know school/BOCES policies and rules and enforce them in a fair and consistent manner.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Be aware of behavioral changes that may indicate that a student or employee is participating in the harassment or bullying of another student or employee either in school, at a school function or on the school bus.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the paraprofessional's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property, at a school function or on the school bus, or that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. This report shall be made not later than one school day after the paraprofessional witnesses or is made aware of such incidents. When incidents of harassment/intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.
- Address personal biases that may prevent equal treatment of all students in the school or classroom.
- Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

#### **D. Student Support Staff**

All student support staff are expected to:

- Provide educationally related service(s) to support students in their educational program.
- Support educational goals of the student and the program.
- Know school/BOCES policies and rules and enforce them in a fair and consistent manner.
- Communicate regularly with students, parents and other staff.
- Adhere to the Code of Conduct for the school in which services are provided.

- Be knowledgeable of effective classroom behavior/building management techniques and the crisis intervention philosophy and techniques.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Be aware of behavioral changes that may indicate that a student or employee is either participating in the harassment or bullying of another student or employee either in school, at a school function or at on the school bus.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the support staff's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property, at a school function or on the school bus, or that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. This report shall be made not later than one school day after the related service provider witnesses or is made aware of such incidents. When incidents of harassment/intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.
- Confront issues of discrimination, harassment, intimidation and bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function.
- Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

#### **E. Building Administrators**

All building administrators are expected to:

- Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly for redress of grievances.

- Evaluate all instructional programs for which they are responsible on a regular basis.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Be knowledgeable of effective classroom behavior/building management techniques, and the crisis intervention philosophy and techniques and assure their utilization in the building/program.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability. Consult on a regular basis with the school's Dignity Act Coordinator on the school climate and solicit suggestions for training or programs to maintain a learning environment that is free of harassment/intimidation/bullying/discrimination.
- Confront issues of discrimination, harassment, intimidation, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function or that endangers the health or safety of pupils within the educational system or adversely affects the educational process.
- Lead or supervise the thorough investigative process in concert with the BOCES Compliance Officer per policies 5122 and 6560 in regard to reported incidents of discrimination, harassment, intimidation and/or bullying and ensure that all staff and/or students involved receive the proper level of intervention consistent with the Code of Conduct that are reasonably calculated to end the discrimination, harassment, intimidation and/or bullying, eliminate any hostile environment, create a more positive school climate and culture, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed. Work in concert with the BOCES Compliance Officer to determine/make appropriate notification to involved parties of findings/resolution per policies 5122 and 6560.

- Promptly notify the appropriate local law enforcement agency when it is believed that any discrimination, harassment, intimidation and/or bullying constitutes criminal conduct.
- Provide a regular report on data and trends related to discrimination, harassment, intimidation and/or bullying to the superintendent at least once per school year.

#### **F. Other School Staff**

All other school staff are expected to:

- Perform specialized non-instructional duties that support the operational functioning of the school.
- Know school/BOCES policies and rules.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow the established administrative procedures.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the staff's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property, at a school function or on the school bus, or that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. This report shall be made not later than one school day after the school staff member witnesses or is made aware of such incidents. When incidents of harassment/intimidation/bullying/ discrimination are reported, BOCES will follow the specific steps described in Policy 6560.

#### **G. Executive Directors and Assistant Directors of Instructional Programs**

The Executive Directors and Assistant Directors of instructional programs are expected to:

- Promote a safe, orderly and academically stimulating school environment that is free of discrimination, harassment, intimidation, and bullying, and that supports active teaching and learning.
- Review with BOCES and component district administrators the policies of the BOCES Board

and state and federal laws relating to school operations and management.

- Keep others in the organization informed about educational trends relating to student discipline.
- Work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and that is designed to minimize problems of student misconduct.
- Work with BOCES administrators and the Compliance Officer in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Maintain confidentiality about all personal information and educational records concerning students and their families
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Confront issues of discrimination, harassment, intimidation, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function.
- Serve as resource to schools' Dignity Act Coordinators.

#### **H. Other Administrative, Managerial and Technical Staff**

All administrative, managerial, and technical staff are expected to:

- Provide specialized instructional and administrative services to BOCES and component districts.
- Support the implementation of the Code of Conduct.
- Assure that the staff under their supervision conform to the Code of Conduct.
- Maintain confidentiality about all personal information and educational records concerning students and their families.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the staff's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property, at a school function or on the school bus. When incidents of

harassment/ intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.

#### **I. Executive Officer and the Board**

The Executive Officer or designee and the Board are expected to:

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, BOCES personnel and visitors on school property and at school functions.
- Adopt and review at least annually the BOCES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- Ensure community awareness of the Code of Conduct by mailing a plain language summary of the code of conduct to all persons in parental relation to students before the beginning of each school year and then making it available thereafter upon request.
- Provide each teacher with a copy of the code of conduct and a copy of any amendments to the code as soon as practicable following initial adoption or amendment of the code, and provide new teachers with a copy of the code upon employment.

#### **J. Dignity Act Coordinator**

Each school has a Dignity Act Coordinator who is expected, in addition to their regular position, to:

- be thoroughly trained in methods to respond to human relations issues in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- act as liaison to building and/or central administration regarding incidents that arise relative to human relations issues listed above.
- work in concert with building administrator and appropriate Executive Director as needed to insure program/building provides a safe and orderly educational environment where students receive and BOCES personnel deliver quality educational services without disruption or interference in a climate of mutual respect and dignity.

Students, parents and staff are encouraged to suggest to the Dignity Act Coordinator issues of specific relevance to the school's students and/or staff that can be addressed through training or other ongoing programs on the human relations issues listed above.

<b>Dignity Act Coordinators</b>	
<b>Program</b>	<b>DAC</b>
JEA Elementary Sch.	Lori Manno 631-254-0094
JEA Jr/Sr High School	Maryann Sullivan 631-549-5580
Brennan Middle/High	Mark Brunza 631-491-4149
JEA Alternative & ALC Program.	Michael DeGeronimo 631-586-1300
Manor Plains HS Wilson Tech Huntington	Fran Crocco 631-754-2900
Itinerant Program	Jennifer Paterson 631-595-6914
Wilson Tech, Dix Hills	Karen Bowden 631-667-6000 X-383
Wilson Tech, NPT	Debra Montaruli 631-261-6000 X-200
Wilson Tech, Republic.	Daniel Loughran 631-752-1957

### **K. School Safety Team**

Each BOCES building/program has a team that addresses school safety. This team includes principal or building administrator, teacher representatives, paraprofessional representatives and support staff. The teams shall meet regularly and make suggestions to insure that both students and staff are kept safe throughout the school day, arrivals/dismissals, transit times, recess, and lunch. Such suggestions may also include professional development activities related to various issues on school safety, supportive school climate concepts and how to discourage harassment, bullying and discrimination in the school.

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

All students are expected to give proper attention to personal cleanliness and to dress appropriately while on school property and at school functions. Students and their parents or persons in parental relation have the primary responsibility for acceptable student dress and appearance. Building Administrators will review with students the attire and accessories that are acceptable and what are unacceptable within the context of the ongoing dissemination of the BOCES Code of Conduct.

Teachers and all other BOCES personnel should reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall:

- Be safe, appropriate, and not interfere with school activities or be disruptive to or interfere with the educational process.
- Not include items that contain inappropriate symbolism, especially that which discriminates against others based on race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- Not include hats, "do rags," bandanas, or other types of headwear except for approved medical and/or religious purposes or where authorized by the building administrator.
- Not include items that are vulgar, obscene, lewd, profane or libelous.
- Not include items that denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs.
- Not include items that encourage, promote and/or incite illegal activities, violent activities or the violation of law or school policy or regulations.
- Not include any attire or accessory whose color or emblem is worn specifically for the purpose of promoting or reflecting membership in a gang, sub-group of a gang, or any suspected gang.
- Not include any attire or accessory that is potentially dangerous to others.

Each building administrator or his or her designee shall be responsible for informing all staff, students and their parents of the student dress code.

Students who violate the student dress code shall be required to modify their appearance. Any student who refuses to do so shall be subject to the established consequences. Any student who repeatedly fails to comply with the dress code shall be subject to additional consequences pursuant to the Code of Conduct.

## **VI. PROHIBITED STUDENT CONDUCT AND DISCIPLINARY CONSEQUENCES**

All students must conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, teachers, school administrators, other school personnel and visitors on school property, and for the care of facilities and equipment.

Prohibited conduct includes discrimination and harassment, bullying and /or discrimination against any student or employee on school property or at a school function that creates a hostile environment by conduct or by threats, intimidation or abuse including cyberbullying as defined in this code of conduct that either 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 including conduct, threats intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm or physical injury to a student or to cause a student to fear for his or her physical safety. This prohibited conduct extends to incidents that occur off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats intimidation or abuse, inclusive of verbal and non-verbal actions, might reach school property. This conduct is inclusive of, but not limited to acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex as defined by this code of conduct.

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

Students who violate the Code of Conduct will be subject to remedial and/or disciplinary action based on the following infractions/consequences. Students should report immediately, either oral or written, to their building administrator or any other school employee any known incident(s) of harassment, intimidation, bullying, discrimination by students or employees on school property, at a school function or on the school bus. When such incidents are reported, BOCES will follow specific steps described in Policy 6560. The infractions have been categorized as minor, serious or major with the understanding that an infraction is assessed on an individual basis to determine the circumstances of the incident and may escalate to a higher level based on its repetitive or persistent nature. Retaliation against anyone who, in good faith reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited.

Each division will annually review the Code of Conduct policy with their respective administrative staff for the purpose of recommending all appropriate or required revisions.

## A. Minor Infractions and Consequences

### 1) Minor Infractions

- Engaging in any willful act which interferes with the operation of class, school or school function
- Making unreasonable noise
- Using language or gestures that are profane, lewd, vulgar, abusive, teasing, or that incite others
- Rude or disrespectful behavior
- Lateness, unpreparedness for class, irregular attendance
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES Internet use policy
- Lying to school personnel
- Defamation
- Discrimination

- Displaying, accessing or using a personal electronic device, including cell phone, during the instructional day (except where specifically authorized by IEP, teacher or building administrator)
- Littering or bringing food or beverage in undesignated areas
- Violation of dress code except those related to gang affiliation (see Major Infractions)
- Unauthorized copying of homework/classwork
- Obstructing vehicular or pedestrian traffic
- Off campus, minor incident of misconduct that endangers the health and safety of student or staff within the school or can be reasonably forecast to disrupt the work and discipline of the school environment
- Disruptive behavior in cafeteria or hallways; during recess or any school activity; on school bus

### 2) Disciplinary and Remedial Consequences for Minor Infractions-include but are not limited to:

- Verbal reprimand
- Assignment of extra work
- Denial of special privileges
- Written notification to building administrator
- Parent/guardian contact, verbal and/or written
- Request for involvement of Student Support Staff
- Conduct a functional behavioral assessment (FBA) and implement a behavioral intervention

- plan (BIP) with observable and measurable benchmarks that are closely monitored.
- Assignment to behavior intervention room
- Assignment to in-school suspension
- Peer support groups; corrective instruction or other relevant learning or service experience.
- Supportive intervention
- Student counseling and parent conferences
- Referral to appropriate human services agency

## B. Serious Infractions and Consequences

### 1) Serious Infractions

- Repeated or persistent minor infractions
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES Internet use policy – serious incident
- Trespassing
- Harassment – serious incident
- Intimidation – serious incident
- Menacing – serious incident
- Bullying – serious incident
- Cyberbullying – serious incident
- Sexual harassment or overt sexual behavior
- Using or possessing tobacco products, such as cigarette(s), cigar(s), pipe and/or chewing or smokeless tobacco, and electronic cigarettes/nicotine delivery systems (also known as vaping

- devices), including any refills, cartridges or other components used in such devices, on school property or while attending a school function.
- Gambling
- Academic misconduct including plagiarism, cheating, altering records, or assisting another student in any of the above actions
- Unauthorized presence in, or absence from, assigned area
- Cutting class
- Insubordination to any school/BOCES employee
- Driving to/from school and/or transporting students without administrative permission
- Making a prank phone call
- Making or posting an inappropriate, prank or disruptive electronic communication such as a web page, blog, video, internet posting (i.e. social media posting), email or text message

- Violation of safety procedures
- Leaving school grounds without permission
- Sexting
- Off campus, serious incident of misconduct that endangers the health and safety of students or staff within the school or can be reasonably

forecast to disrupt the work and discipline of the school environment.

- Violating the civil rights of other students and/or school employees – serious incident
- Not following BOCES procedures for the use of prescription medication.

## 2) **Disciplinary and Remedial Consequences for Serious Infractions include but are not limited to:**

- Parent/guardian conference by telephone or in-person
- Conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) with observable and measurable benchmarks that are closely monitored.
- Designation of involvement of Student Support Staff
- Denial of special privileges
- Requirement for reimbursement or restitution for damaged or stolen property
- Referral to appropriate human services agency
- Referral to the district CSE for consideration of a more appropriate placement
- Referral to the district CSE for a manifestation determination to establish if the conduct is a manifestation of the student's disability.
- Assignment to behavior intervention room
- Assignment to in-school suspension
- Short-term out-of-school suspension accompanied by parental notice of disciplinary removal
- Formal removal by classroom teacher accompanied by parental notice of disciplinary removal
- Peer support groups; corrective instruction or other relevant learning or service experience.
- Supportive intervention
- Student counseling and parent conferences

## C. Major Infractions and Consequences

### 1) **Major Infractions**

- Repeated or persistent serious infractions
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES Internet use policy – major incident
- Possessing/stealing school/BOCES property or the property of another student, school/BOCES employee or any other person lawfully on school property or while attending a school function
- Intimidation – major incident
- Harassment – major incident
- Menacing – major incident
- Bullying – major incident
- Cyberbullying - major incident
- Threats (verbal, written in any media including the Internet, or physical) to another student or school/BOCES employee
- Attempting to cause or intentionally or recklessly causing physical injury or serious physical injury to another with or without a weapon.
- Sexual offenses involving forcible compulsion and aggravated sexual contact
- Sexual offenses involving forcible compulsion and inappropriate sexual contact
- Sexual offenses involving inappropriate contact with no forcible compulsion
- Kidnapping
- Assault with serious physical injury
- Assault with physical injury
- Robbery
- Reckless endangerment
- Use, display or possession of a weapon\* or any other item, material, chemical or fluid which could be used as a dangerous or deadly instrument or weapon
- Intentionally damaging or destroying the school/BOCES property or the personal property of a student, a school/BOCES employee or any person lawfully on school property
- Displaying overt signs, including any attire or accessory, of gang affiliation, or engaging in gang-related behaviors, that increase the level of conflict or violent behavior in the school or disrupt the educational process
- Hazing
- Selling, using or possessing obscene material



- Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances, controlled substances, synthetic cannabinoids, or off-label use of any chemical, or being under the influence of any of the above.
- Inappropriately using or sharing prescription or over-the-counter drugs
- Initiating a bomb threat and/or report warning of fire or other catastrophe without valid cause; misuse of 911
- Inappropriately discharging and/or tampering with a fire extinguisher
- Committing an act of arson
- False fire alarm/smoke bombs, use of fireworks
- Endangering the health and safety of others
- Off campus, major incident of misconduct that endangers the health and safety of students or staff within the school or can be reasonably forecast to disrupt the work and discipline of the school environment.
- Violating the civil rights of other students and/or school employees – major incident
- Inappropriate use of or tampering with a fire alarm or AED
- Failure to follow directions during an emergency or safety drill
- Inappropriate, unwanted or aggressive physical contact with staff

\*Pursuant to the Gun-Free School Act (P.L. 103-227, Section 8001.

**2) Disciplinary and Remedial Consequences for Major Infractions include but are not limited to:**

- Behavior intervention services or in-school suspension for one to five days
- Assignment to a behavior intervention room
- Designation of involvement of Student Support Staff
- Short-term out-of-school suspension for one to five days following application of statutory procedures accompanied by parental notice of disciplinary removal
- Following due process, referral to home school district for Long-term Out-of-School suspension (more than five days) following application of statutory procedures accompanied by parental notice of disciplinary removal
- Conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) with observable and measurable benchmarks that are closely monitored.
- Referral to the district CSE for consideration of a more appropriate program
- Referral to the district CSE for a manifestation determination to establish if the conduct is a manifestation of the student’s disability.
- Contact of appropriate law enforcement agency
- Permanent suspension following application of statutory procedures
- Consequences for possession of a firearm shall be as described in Policy #6241
- Peer support groups; corrective instruction or other relevant learning or service experience.
- Supportive intervention
- Student counseling and parent conferences
- Referral to appropriate human services agency.

**Environmental Remediation**

Beyond the individual-focused disciplinary and remedial responses discussed above, school-wide or environmental remediation can be an important tool to prevent discrimination, harassment, intimidation and bullying. Environmental remediation may include:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment, intimidation and bullying.
- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior.
- Adoption of a research-based, systematic harassment prevention programs.
- Modification of schedules
- Adjustment in hallway traffic and other student routes of travel
- Targeted use of monitors
- Staff professional development
- Involvement of parent teacher organizations

## VII. PHILOSOPHY AND PROCEDURES FOR APPLYING CONSEQUENCES

### A. General

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. While no single method of discipline is recommended or mandated, all discipline is to be humane and appropriate to the situation. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline. In order to help school personnel maintain a focus on encouraging positive student behavior, BOCES employs a hierarchy of behavioral interventions to promote safe, orderly and responsible student conduct. Staff are provided in-service education programs to ensure effective implementation of these interventions and are involved in the development of building-specific techniques appropriate to needs of the students educated in their building.

In regard to acts of harassment, bullying and/or discrimination toward students, by students, BOCES incorporates a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and considers amongst other things the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behavior had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

Disciplinary action, when necessary, will be firm, fair and consistent. So as to be the most effective in changing student behavior, there will be a rational relationship between the student's behavior and the consequences of that behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The impact on the targeted student.
- The student's prior disciplinary record.
- The effectiveness of other forms of discipline.
- Information from parents, teachers and/or others, as appropriate.
- Other extenuating circumstances.
- If the conduct of a student is related to a disability or suspected disability, specific procedures outlined within the context of this section must be followed.

As a general rule, discipline will be progressive. This means that a student's first violation will usually result in a lesser consequence than subsequent violations.

### B. Special Education Students

For students with disabilities (as defined in sections 200.1(zz) and 200.1(mm) of the Regulations of the Commissioner) in a BOCES program, the Board accepts that students with disabilities often display a range of behaviors which would be deemed disruptive within a regular education setting. These behaviors may include conduct that is minor, serious and/or major as defined in this Code of Conduct. The BOCES special education programs incorporate behavior management systems as part of the overall instructional program that are designed to address this range of student behaviors. Each program within the division has a behavior management system tailored to the specific needs resulting from the disabilities of the students within that program.

The behavior management system of each program takes into consideration:

- The student's age.
- The nature of the offense and the circumstances which led to the offense.
- The student's past history of behavior.
- The effectiveness of alternative behavior management approaches.
- Information from parents, teachers, and/or others, as appropriate.
- Other extenuating circumstances, such as medications.

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.

### C. Due Process

1. The level of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. Regardless of the consequence being imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student an opportunity to present his/her version of the facts. Upon request, the student and the student's parent will be provided with an informal conference with the BOCES official imposing the consequence arising from that conduct. In the consequences noted below, students may be entitled to additional rights.
2. All major infractions of the Code of Conduct and unsuccessful attempts to modify ongoing serious infractions shall be brought to the attention of the appropriate Executive Director and/or the Superintendent or designee. Upon the recommendations of the District Superintendent or designee, the Board of Cooperative Educational Services hereby authorizes the building principal to act in their behalf. All actions taken under Major Infractions shall be accompanied by appropriate notification to the parent or legal guardian and an appropriate representative of the home school district. The student and the parent (or person in the parental relation) shall be given an opportunity to appear informally before the person authorized to impose discipline and to discuss the conduct being reviewed.

### D. Denial of Special Privileges

A student denied special privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the denial of such privileges to discuss the conduct and the penalty involved.

### E. Formal Removal of Disruptive Students by a Teacher

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

A student's behavior may become disruptive. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. In general, this Code has categorized these behaviors as Serious Infractions. 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.

1. The specific examples of what constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the population of students educated within each program operated by BOCES.
2. The procedural requirements for a formal removal by a teacher of a student are:
  - a. 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.
  - b. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.
  - c. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being formally removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher formally remove a student from class.
  - d. The teacher must complete a BOCES-established form for a formal removal by a teacher and meet with the principal or the principal's designee (see definition) as soon as possible, but no later than the end of the

school day, to explain the circumstances of the formal removal and to present the BOCES form for a formal removal by a teacher.

- e. Within 24-hours after the student's formal removal by a teacher, the principal or designee must notify the student's parents, in writing, that the student has been formally removed by the teacher from the class and the reason why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the teacher and the principal or the principal's designee to discuss the reasons for the formal removal.
- f. The written notice must be delivered to the last known address of the parents through one or more of the following means: delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's formal removal by a teacher. 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.
- g. If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was formally removed and give the student and the student's parents 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 formal removal by a teacher. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.
- h. The principal or the principal's designee may overturn the formal removal of the student from class if any one of the following are found:
  - The charges against the student are not supported by substantial evidence.
  - The student's formal removal is otherwise in violation of law, the district's Code of Conduct and/or federal or state laws regarding the education of students with disabilities.
  - The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
- i. The principal or his or her designee may overturn a formal removal by a teacher 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 the formal removal expires, whichever is less.

- j. Any disruptive student who is formally removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by a teacher in an alternate setting until the student is permitted to return to the classroom.
- k. The place the student is removed to, appropriate activities engaged in during the formal removal and supervision provided will be determined by the building administrator or designee.
- l. Each teacher must keep a complete log (on a BOCES-provided form) for all cases of formal removal of students from his or her class. The principal must keep a building log of all formal removals by teachers of students from class.

#### **F. Assignment to Behavior Intervention Services**

The Board recognizes the school must balance the need for 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 District Superintendent or designee to place students who would otherwise be suspended from school as the result of a code of conduct violation into some level of behavior intervention services.

In such cases, staff shall discipline students in a therapeutic manner with the goal of diffusing a situation and assisting students in gaining self-control. Such intervention may include a Re-direction Program for removing violent or agitated students from a potentially dangerous situation and placing them in a safe, supervised location until they are able to regain self-control.

Each program shall develop guidelines and procedures for re-direction rooms used for behavior intervention services that will be positive, proactive and appropriate to the students being served. Such guidelines and procedures shall include a description of:

- the range of inappropriate behaviors that lead to placement in intervention services
- the location and description of room where intervention services will take place
- the range of intervention strategies to be used in the room

- the required supervision
- parental notification describing the behavior intervention room and its use
- parental notification each time the child is assigned to the behavior intervention room
- due process procedures
- staff training
- parent training
- method of ongoing evaluation of the effectiveness of such behavior intervention services.

## G. Suspension from School

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the building principals (short-term suspension) or the home school district (long-term suspension). All students who are under suspension in their home school shall be automatically suspended by BOCES during the time of their home school suspension. Principals of high schools sending students to BOCES should inform BOCES principals of such suspensions.

1. Short-term (5 school days or less) suspension from school.  
When BOCES initiates a suspension of 5 days or less, all requirements of law shall be followed:
  - a. Suspensions may be made by a Principal for a period of term not to exceed five school days or less.
  - b. The student being suspended must be informed of the suspension and the reason for the suspension by the Building Administrator or designee.
  - c. Whenever possible, the student's parent/guardian must be notified immediately by telephone of the proposed suspension. The Principal must also notify the parent in writing. The notice must describe the infraction for which the suspension is proposed and provide the student and parent/guardian an opportunity for an informal conference with the Principal or designee. The notice must also inform the parent/guardian that the student's home school district has been notified of the suspension.
  - d. The written notice must be delivered to the last known address of the parents through one or more of the following means:
    - delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within 24 hours.

- e. A copy of the suspension letter shall be placed in the student's file.
- f. Upon return to school, a reinstatement interview may be requested with either or both parents/guardians.

2. Long-term (6 school days or more) suspension from school, permanent suspension, and removals or suspensions that constitute a disciplinary change of placement for students with disabilities (which could include an alternative special educational setting).  
When a student engages in behavior that may warrant a long-term or permanent suspension, or when a student with a disability engages in behavior that may warrant a manifestation determination because the disciplinary action may constitute a disciplinary change of placement, the building principal shall give notice to:
  - the student and the student's parents;
  - the BOCES Executive Director for the Division in which the student is enrolled;
  - and the appropriate school district administrator of the student's home district.
  - a. In the case of a regular education student, the appropriate home district school official is the component school district's designated discipline officer.
  - b. In the case of a student with disabilities, the appropriate home district school official is the Committee on Special Education (CSE) chair. Students with disabilities and their parents should be aware that there are special protections surrounding disciplinary actions which may warrant a manifestation determination and should receive the specifics of these procedural safeguards from the CSE of their home school district.
  - c. In order to facilitate review and action according to the disciplinary procedures established within the home district's Code of Conduct or, in the case of a student with disabilities, by a manifestation determination as required by state and federal law, the BOCES principal shall provide appropriate documentation to the

appropriate school official of the student's home school district.

## H. Referrals

### 1. PINS petitions

The building administrator or designee may refer to the home school district any student under the age of 16 for whom a PINS (person in need of supervision) petition should be filed in Family Court because the student demonstrates that he or she requires supervision and treatment by behaviors such as:

- Being habitually truant and not attending school.
- Engaging in an ongoing or continual course of conduct which make the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law §221.05 will be a sufficient basis for filing a PINS petition.

### 2. Juvenile Delinquents or Juvenile Offenders

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

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

The 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.

### 3. Criminal offenses

The building administrator or his or her designee must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

## VIII: Recording-keeping and Reporting

Building administrators shall submit reports on material incidents of discrimination, intimidation, bullying and/or harassment that occur each school year to the appropriate Executive Director who shall submit to the Compliance Officer for filing reports as

required by NYS law and Commissioner's Regulations. Such incidents shall be monitored in each building by the building administrator and throughout the BOCES by the Compliance Officer to better understand behavioral trends and to aid in the implementation of preventative programming.

## IX. STUDENT SEARCHES AND INTERROGATIONS

Western Suffolk BOCES Board is committed to providing an atmosphere for a positive, safe and orderly school environment. Accordingly, student searches and interrogations will be conducted in accordance with Policy 6230.

## X. VISITORS TO THE SCHOOLS

All visitors are expected to abide by the Code of Conduct and Policies 2210 and 2230.

## XI. BOCES EMPLOYEES

- A. **Teachers and all other BOCES personnel are expected to model the behaviors stated in the Code of Conduct.**
- B. BOCES may initiate disciplinary action against any student or staff member, as appropriate, consistent with the consequences described herein, relevant bargaining unit contracts, and relevant laws. All persons shall be subject to disciplinary action as the facts may warrant in accordance with due process requirements. In addition, BOCES reserves its right to pursue a civil or criminal legal action against any person violating this Code.

## XII. DISSEMINATION AND REVIEW

- A. The Board will work to ensure that the community is aware of this Code of Conduct by:
  - Providing copies of a summary of the Code of Conduct to all students at an assembly appropriate to each individual program at the beginning of each school year.
  - Making copies of the Code of Conduct available to all parents.
  - Mailing a summary of the Code of Conduct written in plain language to all parents of BOCES students before the beginning of the school year and making this summary available later upon request.

- Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption.
  - Providing all new employees with a copy of the current Code of Conduct when they are first hired.
  - Making copies of the Code available for review by students, parents and other community members.
  - Mailing copies of Code of Conduct to all component school districts.
  - Posting this Code in the BOCES policies on the BOCES website.
- B. The Board will sponsor a staff development program for all BOCES staff members to ensure the effective implementation of the Code of Conduct. The Executive Officer will consider the recommendations of the BOCES staff, particularly teachers and administrators,

regarding in-service programs pertaining to the management and discipline of students.

- C. 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.

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.

Adopted: July 10, 2001

Revised and Re-Adopted: June 25, 2002;

Jan. 10, 2006; June 12, 2007; May 10, 2011

July 10, 2012; June 11, 2013; May 13, 2014,

August 12, 2014, July 7, 2015, October 13, 2015;

June 14, 2016, July 11, 2017, July 10, 2018

