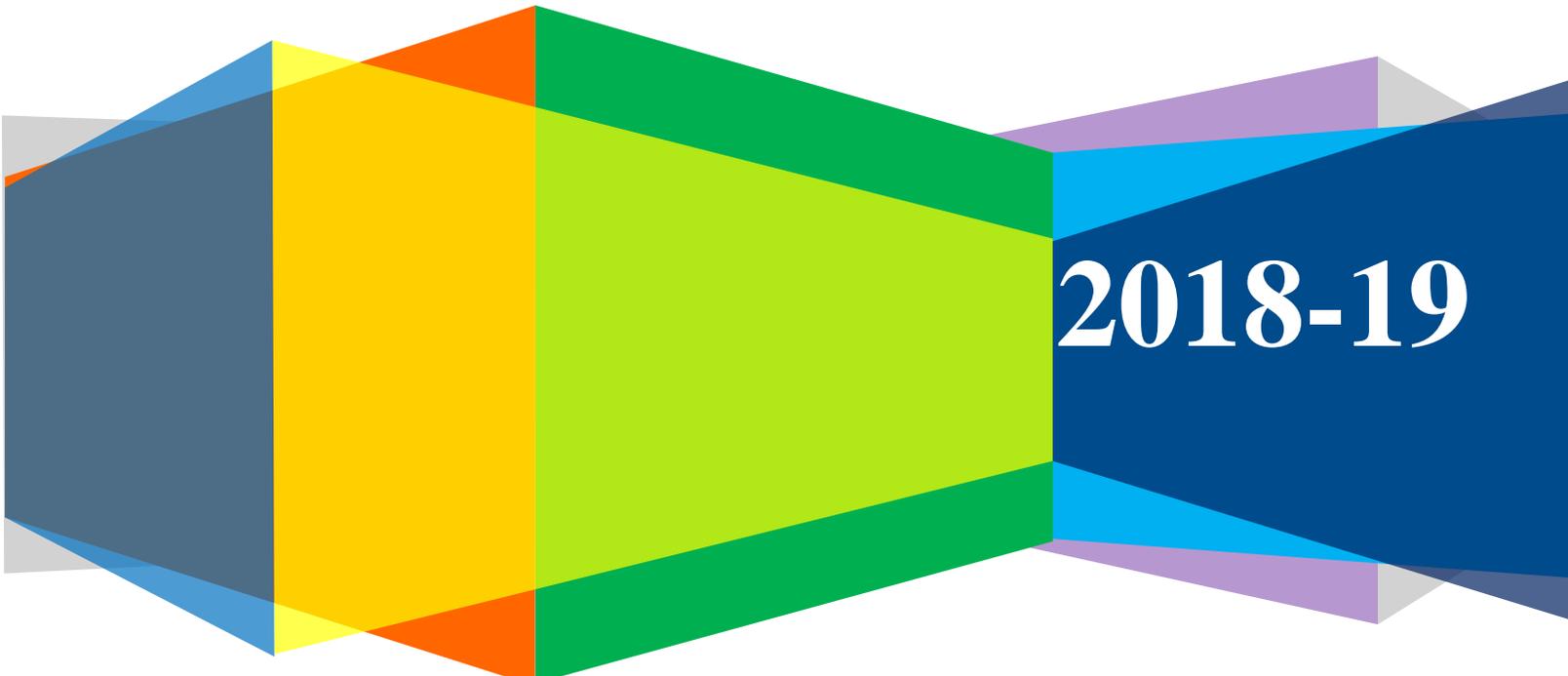


# CODE of CONDUCT

**Revised: May 2018**  
**BOE Approval: June 13, 2018**



2018-19

The Washington-Saratoga-Warren-Hamilton-Essex BOCES does not discriminate in its programs and activities, including employment and admission as applicable, on the basis of actual or perceived race, color, creed, sex, sexual orientation, national origin, religion, age, economic status, marital status, veterans' status, political affiliation, domestic victim status, use of a guide dog, hearing dog or service dog, disability, or other classifications protected under federal or state law, and provides equal access to the Boy Scouts and other designated youth groups. The designated district compliance officers will coordinate compliance with the nondiscrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended, the Boy Scouts of America Equal Access Act, and the New York State Human Rights Law. The BOCES Compliance Officers are: Turina Parker and Ronald Black, Washington-Saratoga-Warren-Hamilton-Essex BOCES, [1153 Burgoyne Avenue, Suite 2, Fort Edward, NY 12828](https://www.wswheboeces.org), phone: (518) 746-3310, email: [tuparker@wswheboeces.org](mailto:tuparker@wswheboeces.org) or [rblack@wswheboeces.org](mailto:rblack@wswheboeces.org). Complaints may also be filed with the Office for Civil Rights, New York Office, U.S. Department of Education, [32 Old Slip, 26th Floor, New York, NY 10005](https://www.ed.gov)- 2500, phone (646) 428-3800, fax (646) 428-3843, [email:OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

# **CODE OF CONDUCT**

## **TABLE OF CONTENTS**

### **PART I**

<b>Section I:</b>	<b>Introduction</b>	<b>Page 3</b>
<b>Section II:</b>	<b>Definitions</b>	<b>Page 4</b>
<b>Section II:</b>	<b>Bill of Student Rights and Responsibilities</b>	<b>Page 7</b>
<b>Section III:</b>	<b>Prohibited Conduct on BOCES Premises</b>	<b>Page 9</b>
<b>Section IV:</b>	<b>Consequences</b>	<b>Page 10</b>
<b>Section V:</b>	<b>List of Infractions</b>	<b>Page 14</b>
<b>Section VI.</b>	<b>Table of Categories, Infractions and Consequences</b>	<b>Page 16</b>
<b>Section VII.</b>	<b>Discipline of Students with Disabilities</b>	<b>Page 28</b>
<b>Section VIII.</b>	<b>Determination of Charges against Students</b>	<b>Page 29</b>
<b>Section IX.</b>	<b>BOCES Staff/Students Assigned to Component Schools</b>	<b>Page 29</b>

### **PART II**

<b>PARENT/GUARDIAN, TEACHERS, OTHER SUPPORT STAFF, AND ADMINISTRATIVE STAFF</b>	<b>Page 30</b>
---	----------------

### **PART III**

<b>MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY</b>	<b>Page 32</b>
---	----------------

### **PART IV**

<b>DIGNITY FOR ALL STUDENTS LEGISLATION</b>	<b>Page 37</b>
---	----------------

### **PART V**

<b>Adult Education Students</b>	<b>Page 42</b>
---------------------------------	----------------

<b>Parent/Student Signature Page</b>	<b>Page 43</b>
--------------------------------------	----------------

CODE OF CONDUCT

**Part 1**

**Section I: Introduction**

Philosophy

A school is a place of learning. Learning involves the expansion of knowledge as well as acting in a manner considerate of the rights and feelings of others. Students and staff are expected to show respect for each other and all other members of the school community. A relationship based upon respect creates a harmonious environment.

For an educational organization to function properly, students must respect the conditions that are conducive to learning. Administrators and teachers in New York State are charged with maintaining order and dealing with the various forms of disorder. Although classroom teachers have more contact with students than do other school personnel, discipline is a responsibility shared among administrator(s), teachers, and other school personnel.

A Code of Conduct should assist students in understanding their behavior. The aspect of student discipline in the system requires consistency and direction. Students and parents must know what specific steps will be taken when a rule is broken and also know the steps to take if they are dissatisfied. Good school discipline also recognizes students who are doing things right, and provides steps for identifying and helping individuals who have problems that prevent them from functioning in the regular school setting.

Washington-Saratoga-Warren-Hamilton-Essex Board of Cooperative Education Services (BOCES) provides educational services in conjunction with local school districts. As such, a Board of Cooperative Educational Services program provides support to local schools to assist students in becoming better able to function within a school system. The Board of Cooperative Educational Services also provides alternatives to traditional educational programs. In providing these services, the Board of Cooperative Educational Services is an organization that meets the needs of specific populations. The Code of Conduct reflects the unique needs of these students.

# Washington-Saratoga-Warren-Hamilton-Essex BOCES

## CODE OF CONDUCT

### Section II: Definitions

In accordance with the **Dignity for All Students Act**, School District policy and practice must ensure that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, or at a school function.

For the purposes of this document, the following definitions apply:

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**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.

**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 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 (Education Law Section §11[4] and Executive Law Section 292[21]).

**Discrimination** means discrimination against any student by a student or students and/or 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.

**Emotional Harm** (that takes place in the context of "harassment or bullying) means harm to a student's emotional 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.

**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 or through contract, whereby such services performed by such person involve direct student contact (Education Law Section s11[4] and 1125[3]).

**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.

**Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section §11[6]). Gender means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Harassment or Bullying** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying 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; or
- (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])

- o **Cyber bullying** means harassment or bullying as defined above where such harassment or bullying occurs through any form of electronic communication.

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:

- o race
- o color
- o weight
- o national origin
- o ethnic group religion
- o religious practice
- o disability
- o sex
- o sexual orientation
- o gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).

**Material Incident of Harassment, Bullying and/or Discrimination** means a single verified incident or a serious or related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of set forth above for harassment, bullying and/or discrimination and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.

**Hostile Environment** in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education

**National Origin** means a person's country of birth or ancestor's country of birth.

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

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

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

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**School Bus** means every motor vehicle owned 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 (Education Law Section §11[1] and Vehicle and Traffic Law Section 142).

**Sexual orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]). Sexual Orientation means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**School Function** means a school sponsored extracurricular event or activity (Education Law Section §11[2]).

**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 (Education Law Section §11[1]).

**Violent student** means a student under the age of 21 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.
- Possess, while on school property or at a school function, a weapon.
- Displays, while on school property or at a school function, what appears to be a weapon.
- Threatens, while on school property or at a school function, to use a weapon.
- 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 school district property.

**Weight** means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

**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, incendiary bomb, ammunition, imitation ammunition or exploding substances, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

# Washington-Saratoga-Warren-Hamilton-Essex BOCES

## CODE OF CONDUCT

### **Section II. Bill of Rights and Responsibilities of Students**

BOCES students shall have the rights afforded to students under the provisions of the federal and state constitutions and the laws of the State of New York. It is recognized that a student's private, non-school-sponsored and non-program-related conduct can be regulated to the extent that such conduct may endanger the health or safety of pupils within the educational system, or adversely affect the education process.

Each student is entitled to the right of personal privacy and is protected by Constitutional guarantees; however, each student's right of privacy is necessarily limited by the School's need to protect its educational climate from disruption by the presence of weapons, drugs, or other dangerous or prohibited items. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal. School officials have no obligation to give students Miranda-type warnings prior to questioning them while investigating school-related misconduct or a breach of school security.

1. Lockers & Desks – Students may expect privacy from other students regarding their lockers, desks, or other storage areas. However, under the law, lockers and desks remain in the possession and control of the school when they are made available for student use and are subject to searches by school authorities at any time without warning. Students may use lockers and desks for the limited purpose of temporarily keeping items needed for instructional and school activities, and other permissible activities in school. Lockers and desks will be checked from time to time, without prior notice by the school to student or parents, to ensure that they are not being used for any unauthorized purposes.

The principal may set aside a time period during which all students will clean their lockers and desks, remove all prohibited items, and return any overdue library books.

Prohibited items found in lockers will be removed and held for the students for a reasonable period of time, except for prohibited items that will be released to the student's parents. Stolen property will be returned (unless turned over to police as evidence) to its owner, and illegal or dangerous items will be held for police.

2. Searches of Students– School authorities search students and/or their belongings where reasonable suspicion of a violation of the Code of Conduct or a violation of the law exists. Searches shall be conducted by authorized school personnel, and may be in the presence of law enforcement representatives. A search beyond outer clothing will be conducted only by a school administrator of the same gender as the student and in the presence of another school district employee or law enforcement representative who is also of the same gender. In all instances the parent or guardian shall be informed as to the reason(s) for the search, and allowed to be present if practical to do so.

3. Vehicle Searches - Search may be conducted of vehicles parked on school grounds when there is reasonable suspicion of a violation of the Code of Conduct or a violation of law.

4. Searches Using Canine Units - Administration may authorize canine searches by law enforcement personnel without advance notice or warning to students or school personnel.

5. Investigation Interviews – If there is reasonable suspicion of a student committing a crime on school property or at a school event, parents will be informed that the student will be questioned by the school principal or his/her designee and possibly by law enforcement.

6. Cell phones or electronic devices that are inappropriately used during school hours may be confiscated by the classroom teacher, supervisor, building principal or other district administrator if the device is disruptive to the educational process. In some disciplinary situations, the device may be searched for evidence.

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Within the framework of legal rights, students have a citizen's responsibility to cooperate with law enforcement authorities. A police agency assisting with the investigation of a crime at school may be involved with the interviews of possible witnesses. The parents of said witnesses will be advised of their child (ren)'s cooperation and interaction with the police agency.

### **B. Due Process**

Before the District imposes discipline; students are entitled to due process. In every case, the District must inform the student of the misconduct and investigate the facts surrounding the misconduct. The District must allow all students to present their version of the facts. Beyond this, the level of due process ranges from parental notification and informal conferences to a formal hearing pursuant to Education Law §3214.

### **C. Referrals in the Case of a Possible Crime**

The principal must notify the District Superintendent or designee of any code violations that constitute a crime which substantially affects the security of the school. The District Superintendent or designee, in turn, will notify local law enforcement.

## **RESPONSIBILITIES**

A student shall not act in such a manner which disrupts the rights of others or which causes disorder or invades the rights of others.

A school is a place of learning. Learning involves the expansion of knowledge as well as acting in a manner considerate of the rights and feelings of others. Students learn from each other. Students must be conscious that younger students follow the leadership of upper classmen. Such examples should enhance the school environment.

Students are expected to show respect for faculty and all other members of the school community. A relationship based upon respect creates a harmonious environment. It shall be the responsibility of students to:

1. Be aware of and obey school rules and regulations.
2. Accept responsibility for their own actions.
3. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
4. Avoid bullying, harassing behavior.
5. Attend school regularly and punctually.
6. Take advantage of the academic opportunities offered at school.
7. Support and participate in school activities.
8. Maintain habits of personal cleanliness.
9. Respect school property and the property of others.
10. Strive for mutually respectful relationships with teachers and administrators recognizing their role as surrogate parent in matters of behavior and discipline.
11. To respect one another and treat each other fairly and civilly in accordance with the District Code of Conduct and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination
12. To report incidents of harassment, bullying and/or discrimination to a teacher, administrator or other designated official.

Washington-Saratoga-Warren-Hamilton-Essex BOCES

CODE OF CONDUCT

**Section III: Prohibited Conduct on BOCES Premises for which Probative Action may be taken**

All WSWHE BOCES rules and regulations apply to students:

- On the school grounds or within reasonable proximity to school grounds during and immediately before or after school hours.
- On the school grounds at any other time when the school is being used by a school group.
- Off the school grounds, on school buses, at a school activity, function, or event.
- Off the school grounds when the prohibited behavior is a consequence of or directly related to causes or events which occurred or originated on school grounds.
- Whenever the misconduct has a real and substantial relationship to the lawful maintenance and operation of the school district, including the health and safety of the students and employees, and/or otherwise adversely affects the education process.
- Whenever the misconduct constitutes a material incident of discrimination, bullying and/or harassment.

CODE OF CONDUCT

**Section IV. The Stage System and Range of Consequences**

The philosophy of BOCES programs is to assist students in developing appropriate self-management skills needed to live as independent and responsible adults. Staff needs to respond uniformly by providing instruction with behavior management strategies and techniques which are educationally sound and therapeutically appropriate for the population of students they serve.

In order to assist staff in accomplishing these goals and objectives, this document is considered a flexible document that will continually be reviewed and revised. It is understood that this stage system is a basic outline of the guidelines established and it is not and should not be used as a punitive method of discipline.

In the case where a student has a written behavior management plan (consistent with the BOCES Code of Conduct), that plan, and the process outlined in compliance, may take precedence over steps in the Stage System. In addition, any violation of this Code that may constitute a crime shall result in the WSWHE BOCES and its agents or designees contacting local law enforcement agencies for appropriate action.

**Explanation of the Stage System:**

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. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.
- In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.
- If the conduct of a student is related to a disability or suspected disability, depending on the severity of the conduct, the student's home district may be contacted. If warranted, consequences shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior that is a manifestation of his/her disability.
- Any situation that is construed as potentially violent or dangerous must be reported immediately to the administrator on duty.

The range of consequences, which may be imposed for violations, is listed below. Consequences will be determined by the BOCES administration or component school District Superintendent or designee and in accordance with the Stage System as described below. Such disciplinary measures shall be appropriate to the seriousness of the offense and where applicable, to the previous disciplinary record of the student. Any suspension upon removal from instruction may be imposed only in accordance with Education Law §3214 (3) as defined by the WSWHE BOCES or component school procedures for suspension.

1. Verbal warning;
2. Written warning;
3. Written notification to parent/guardian;
4. Counseling;
5. Reprimand, either written or verbal;
6. Suspension from club activities;
7. Suspension of other privileges;
8. Assignment to alternative learning environment;
9. Involuntary transfer;
10. Suspension from instruction;
11. Removal from classroom by teacher

### **Stage 1**

Stage 1 intervention takes place within the classroom program, which represents the student's daily social environment (including field trips and other school activities). The goal is to keep the student in the classroom where self-managing and learning takes place.

Each classroom teacher operates his or her unique behavior management system. It is important for staff to clearly communicate behaviors that are expected in the classroom and school building. Consequences for inappropriate behaviors will be defined and followed. The key to effective management is consistency among staff; thus it is essential to establish what is expected and how positive and negative behaviors will be addressed. It is also important to have a progressive behavior management system in the classroom and a plan for staff to use when dealing with inappropriate student behavior that exceeds the classroom management system.

#### Examples of Strategies:

1. The classroom staff engages in "planning" with the student(s) using either verbal or written plans to assist the student(s) in choosing behaviors that will lead to better personal outcomes. These are interventions initiated by the teacher in the classroom setting.
2. Stage 1 can turn into Stage 2 if the student does not respond to Stage 1 interventions.
3. Stage 1 can involve the use of an alternative site for a "cooling down" and/or "timeout" period. This may give both parties healthy space, which could foster negotiations.
4. In dealing with Stage 1 behaviors, staff should (where appropriate) collaborate with support staff (e.g. social workers, school counselors, etc.) to discuss strategies that may be useful in addressing inappropriate student behaviors in the classroom (including field trips and other school activities).

#### Examples of Stage 1 Infractions:

- Refusal to do class work or participate appropriately
- Uncontrolled disruptive behaviors
- Name calling and profanity

- Clowning or sleeping in class
- Being in unauthorized areas
- Tardiness
- Truancy
- Inappropriate clothing or accessories
- Harassment/Discrimination
- Smoking
- Riders in a student vehicle
- Driver of a vehicle with students
- Bullying/Harassment

**Examples of Stage 1 consequences:**

- Verbal reprimand – immediate adult counsel
- Seat change
- Parental contact, (written or verbal)
- Temporary removal from class
- Behavioral contract
- School-community service
- Confiscation of materials/contraband
- Payment of damages
- Loss of classroom privileges
- Written warning
- Removal from classroom by teacher

**Stage 2**

Stage 2 incidents generally result from students choosing NOT to respond to Stage 1 intervention within the classroom or from choosing a behavior that is dangerous, disruptive to the learning environment or disrespectful to the point where the student is unwilling to recognize the authority of the teacher in controlling the setting. Incident reports must specify in detail what interventions the staff member has taken (see Stage 1 consequences).

**Examples of Stage 2 Infractions:**

- Substantially disruptive behavior affecting the educational process or otherwise substantially interfering with the teacher's authority over the classroom
- Failure to obey rules of safety
- Disrespect for the authority of any staff member
- Student discovered out of the area of supervision (off campus, different building)
- Continual harassment/bullying
- Use of tobacco on school property
- Cheating in class
- Tardiness
- Truancy
- Out of the area of supervision
- Name calling and profanity
- Smoking
- Driver of a vehicle with students
- Bullying/Harassment
- Repeated stage 1 infractions

**Examples of Stage 2 consequences:**

- Continuation of the more stringent Stage 1 options
- Parental conference
- Temporary removal from class pending completion of a behavioral plan

- In-school suspension
- Temporary out-of-school suspension
- Recommend filing of a PINS petition by the home school district, where age appropriate
- Meeting with BOCES staff, parent and component school representative
- Loss of classroom or program privileges

### **Stage 3**

These are infractions that are generally for chronic problems that defy Stage 1 and 2 interventions, for extreme issues, or when there is serious endangerment of the safety and welfare of staff and students on campus. Combinations of Stage 1 and Stage 2 may lead to Stage 3. It is the responsibility of the staff member who witnessed or is aware of the behavior to complete an incident report and bring it to the immediate attention of the appropriate administrator.

Examples of Stage 3 infractions:

- Student engages in behavior that is dangerous to self and/or others
- Student continually defies school rules despite attempts at intervention
- Student violates the law through violence or substance abuse (may involve legal charges and suspension)
- Using vulgar or abusive language, cursing or swearing.
- Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
- Possessing drug paraphernalia
- Using or possessing 'Illegal substances', including, but not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs" or any "synthetic" drug
- Inappropriately using or sharing prescription and over-the-counter drugs.
- Engaging in threats of violence or other similar behavior such as possession and/or use of dangerous weapons.
- Engaging in destructive behavior requiring restitution (defacing and vandalism of property)
- Bullying/Harassment

Examples of Stage 3 consequences:

- Continuation of the more stringent Stage 2 options
- Parental conference
- Temporary removal from class
- In-school suspension
- Out-of-school suspension
- Police report filed
- Meeting with BOCES staff, parent and component school representative
- Investigation of alternative programs
- Recommend filing of a PINS petition by the home school district, where age-appropriate
- Loss of classroom or program privileges
- District Superintendent's Hearing
- Suspension from club activities

Washington-Saratoga-Warren-Hamilton-Essex BOCES

CODE OF CONDUCT

**Section V. List of Infractions**

Table of Contents

<b>Infraction</b>	<b>Category</b>	<b>Page</b>
Academic Misconduct	Violation of School Policies	22
Accessing inappropriate websites	Disruption of School	17
Alcohol	Violation of School Policies	23
Arson	Violence/Unlawful Acts	19
Attendance	Attendance	21
Battery	Violence	20
Bullying	Bullying/Harassment/Discrimination	24-26
Burglary/Breaking and Entering	Violence/Unlawful Acts	20
Chronic Misbehaving Students	Insubordination	18
Committing act of violence (hitting, kicking, punching, scratching)	Disruption of School	20-22
Cell Phone Use/Videotaping	Violation of School Policies	22
Computer Misuse	Disruption of School	17
Cyber bullying	Bullying/Harassment/Discrimination	24
Defaming	Bullying/Harassment/Discrimination	24-26
Degrading/Offensive Behavior	Disruption of School	16
Discrimination	Bullying/Harassment/Discrimination	25
Displaying what appears to be a weapon	Violence/Unlawful Acts	16
Disorderly Conduct-Disruptive Behavior-Disrespect	Disruption of School	18
Dress Code Violation	Violation of School Policy	17
Driving on BOCES premises w/o parking/driving permit	Violation of School Policy	21-23
Driving and Parking Violations	Violation of School Policy	21-23
Driving or riding with other students	Violation of School Policy	21-23
Drugs excluding alcohol and tobacco	Violation of School Policy	23
Engaging in misconduct while on a school bus.	Safety	28
Extortion	Violence/Unlawful Acts	25
Failing to comply with reasonable direction of staff	Insubordination	18
Gambling	Violation of School Policy	23
Gang related activities	Violation of School Policy	22
Harassment	Bullying/Harassment/Discrimination	24-26
Hazing	Bullying/Harassment/Discrimination	26
Inappropriate use of medication	Violation of School Policy	23
Indecent exposure that is, intentionally exposing to sight private parts of the body in a lewd or indecent manner.	Violation of School Policy	18
Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.	Violation of School Policy	18
Insubordination - Disobedience	Insubordination	18

<b>Infraction</b>	<b>Category</b>	<b>Page</b>
Intentionally damaging or destroying the personal property of a student or staff, including graffiti or arson	Violence/Unlawful Acts	19
Intentionally damaging or destroying school property, including graffiti or arson	Violence/Unlawful Acts	20
Intimidation	Bullying/Harassment/Discrimination	26
Lateness, missing or leaving school w/o permission	Attendance	21
Misconduct on Buses	Safety	28
Misusing computer/electronic communication equipment	Disruption of School	17
Obscene behavior	Disruption of School	17
Physically Endangering Behavior	Safety	28
Possessing, consuming, selling, distributing or exchanging alcoholic beverages, tobacco, illegal substances, or being under the influence of either. Possessing paraphernalia related to alcoholic beverages or illegal substances. "Illegal Substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."	Violation of School Policy	23
Possessing a weapon	Violence/Unlawful Acts	20
Profane, lewd, vulgar, abusive language or gestures	Disruption of School	17-19
Public Display of Affection (PDA)	Disruption of School	18
Running in hallways	Safety	28
School Threat	Violence/Unlawful Acts	20
Selling, using or possessing obscene material	Violation of School Policy	22
Sexual Harassment or Sexual Misconduct	Bullying/Harassment/Discrimination	27
Sharing or using inappropriately, prescription and over-the-counter drugs	Violation of School Policy	24
Skipping detention	Attendance or Violation of School Policy	21
Smoking cigarette, cigar, pipe or using chewing or smokeless tobacco	Violation of School Policy	23
Theft – Stealing personal or school property	Violence/Unlawful Acts	20
Threatening to use any weapon	Violence/Unlawful Acts	20-21
Threats of destruction or harm	Violence/Unlawful Acts	19
Tobacco	Violation of School Policy	24
Trespassing on school property	Safety	27
Using beepers/cell phones during school day	Violation of School Policy	17
Vandalism – Damage to school or personal property	Violence/Unlawful Acts	20
Vulgar or abusive language, cursing or swearing	Disruption of School	19
Weapons	Violence/Unlawful Acts	20
Willful act that disrupts normal operation of school	Disruption of School	21-22

**Section VI. Table of Categories, Infractions and Consequences**

<b><u>Category Description:</u></b>	
<b>I. Disruption of School</b> <ul style="list-style-type: none"> <li>Engaging in any willful act, which disrupts the normal operation of the school community</li> <li>Using language or gestures which are inappropriate, offensive, disruptive, profane, lewd, vulgar or abusive.</li> <li>The use of beepers/cell phones or other electronic devices (including “Texting”) during the school day.</li> <li>The use of any electronic devices outside of those used for instructional purposes, including laptops, iPads, or iPods.</li> <li>Misusing computer/electronic communications equipment, including any unauthorized use of computers, software, or internet/intranet accounts; accessing inappropriate websites, or any other violation of the district’s Acceptable Use policy.</li> <li>Engaging in display of icons, speech or assembly which is disrespectful to others and/or disrupts the educational process.</li> <li>Dress Code Violation: Dressing in an immodest or disruptive manner as set forth below.</li> <li>Public Display of Affection</li> </ul>	
<b><u>Infraction:</u></b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<b>Degrading or Offensive Behavior</b> <ul style="list-style-type: none"> <li>Engaging in any willful act, which disrupts the normal operation of the school community</li> <li>Using language or gestures which are inappropriate, offensive, disruptive, profane, lewd, vulgar or abusive.</li> <li>The use of beepers/cell phones or other electronic devices (including “Texting”) during the school day.</li> <li>The use of any electronic devices outside of those used for instructional purposes, including laptops, iPads, or iPods</li> <li>Engaging in display of icons, speech or assembly which is disrespectful to others and/or disrupts the educational process.</li> </ul>	<b>Stage 1</b> <ul style="list-style-type: none"> <li>verbal reprimand</li> <li>seat change</li> <li>parental contact, (written or verbal)</li> <li>temporary removal from class</li> <li>behavioral contract</li> <li>school-community service</li> <li>confiscation of materials/contraband</li> <li>payment of damages</li> <li>loss of classroom privileges</li> <li>written warning</li> <li>removal from classroom by teacher</li> </ul>
<b>Computer Misuse – Inappropriate Use of Computer</b> Inappropriate use of the computer (Internet included) is any action by a student to view, print or distribute pornographic materials, access private files, harass, insult or attack others, engage in cyber-bullying, damage computer systems and/or networks, unauthorized tampering of hardware and/or software, violating	<b>Stage 2</b> <ul style="list-style-type: none"> <li>continuation of the more stringent Stage 1 options</li> <li>parental conference</li> <li>temporary removal from class/pending completion of a behavioral plan</li> <li>in-school suspension</li> <li>temporary out-of-school suspension</li> <li>recommend filing of a PINS petition by the home school district</li> <li>meeting with BOCES staff, parent and</li> </ul>

<p>copyright laws, accessing inappropriate websites and employing the network for commercial purposes.</p>	<p>component school representative</p> <ul style="list-style-type: none"> <li>• loss of classroom or program privileges</li> </ul>
<p><b>Dress Code Violation</b>  All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. A student's dress, grooming and appearance, including hair style/color, jewelry, makeup and nails, headwear (hats, visors, bandanas, etc.) should:</p> <ol style="list-style-type: none"> <li>1. Be safe, appropriate and not disrupt or interfere with the educational process</li> <li>2. Recognize that extremely revealing garments are not appropriate. This includes tube or tank tops, net tops, halter tops, spaghetti straps, plunging necklines, short dresses or skirts or shorts, and see-through garments.</li> <li>3. Ensure outer clothing completely covers underwear.</li> <li>4. Include appropriate footwear at all times.</li> <li>5. Not include items that are vulgar, obscene, and libelous or that denigrate others.</li> <li>6. Not promote or endorse the use of alcohol, tobacco, or illegal drugs and/or encourages other illegal or violent activities</li> </ol>	<p>Stage 1</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> <li>• seat change</li> <li>• parental contact, (written or verbal)</li> <li>• temporary removal from class</li> <li>• behavioral contract</li> <li>• school-community service</li> <li>• confiscation of materials/contraband</li> <li>• payment of damages</li> <li>• loss of classroom privileges</li> <li>• written warning</li> <li>• removal from classroom by teacher</li> </ul>
<p><b>Indecent exposure</b>  The act of intentionally exposing to sight, private parts of the body in a lewd or indecent manner.</p>	<p>Stage 1</p>
<p><b>Public Display of Affection (PDA)</b>  In order to maintain a mature and respectful atmosphere, students are reminded that public displays of affection are considered unsuitable in an educational setting. These displays include, but are not limited to, kissing, embracing, and/or other forms of physical fraternization.</p>	<p>Stage 1</p>
<p><b><u>Category Description:</u></b></p> <p><b>II. Insubordination</b></p> <ul style="list-style-type: none"> <li>• Failing to comply with reasonable requests and demonstrating disrespect of teachers, school administrators, or any other school employees.</li> <li>• Refusal to attend ALE (Alternative Learning Environment)</li> <li>• Failure to identify oneself to staff or administration</li> <li>• Interference with school authorities.</li> </ul>	

<ul style="list-style-type: none"> <li>• Profanity towards any staff member, fellow students or visitors.</li> <li>• Failure to show proper I.D. when addressed.</li> <li>• Cumulative violations/Persistent misconduct on school premises.</li> </ul>	
<b><u>Infraction:</u></b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<p><b>Disorderly Conduct – Disruptive Behavior – Disrespect</b> Any act that disrupts the orderly conduct of a school function; behavior which substantially disrupts the orderly learning environment. This can include but is not limited to harassment, bullying and/or discrimination such as spreading rumors, name calling, provocative or inciting language as well as:</p> <ul style="list-style-type: none"> <li>• Failure to identify oneself to staff or administration</li> <li>• Interference with school authorities.</li> <li>• Profanity towards any staff member, fellow students or visitors.</li> <li>• Vulgar or abusive language, cursing, or swearing</li> <li>• Failure to show proper I.D. when addressed.</li> </ul>	<p>Stage 1</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> <li>• seat change</li> <li>• parental contact, (written or verbal)</li> <li>• temporary removal from class</li> <li>• behavioral contract</li> <li>• school-community service</li> <li>• confiscation of materials or contraband</li> <li>• payment of damages</li> <li>• loss of classroom privileges</li> <li>• written warning</li> <li>• removal from classroom by teacher</li> </ul>
<p><b>Chronic Misbehaving Students</b> Chronic misbehaving is defined as persistent and recurring office referrals as well as:</p> <ul style="list-style-type: none"> <li>• Failure to comply with reasonable requests and demonstrating disrespect of teachers, school administrators, or any other school employees.</li> <li>• Refusal to attend ALE (Alternative Learning Environment)</li> <li>• Cumulative violations/Persistent misconduct on school premises</li> </ul>	<p>Stage 2</p> <ul style="list-style-type: none"> <li>• continuation of the more stringent Stage 1 options</li> <li>• parental conference</li> <li>• temporary removal from class/pending completion of a behavioral plan</li> <li>• in-school suspension</li> <li>• temporary out-of-school suspension</li> <li>• recommend filing of a PINS petition by the home school district</li> <li>• meeting with BOCES staff, parent and component school representative</li> <li>• loss of classroom or program privileges</li> </ul>
<p><b>Insubordination – Disobedience</b> Unwillingness to submit to authority, refusal to respond to a reasonable request, or other situations in which a student is being disobedient. This includes written or verbal intentions to deceive (includes forgery)</p>	<p>Stage 2</p> <ul style="list-style-type: none"> <li>• continuation of the more stringent Stage 1 options</li> <li>• parental conference</li> <li>• temporary removal from class/pending completion of a behavioral plan</li> <li>• in-school suspension</li> <li>• temporary out-of-school suspension</li> <li>• recommend filing of a PINS petition by the home school district</li> <li>• meeting with BOCES staff, parent and component school representative</li> <li>• loss of classroom or program privileges</li> </ul>

<p><b><u>Category Description:</u></b></p> <p><b>III. Violence/Unlawful Acts</b></p> <ul style="list-style-type: none"> <li>• <b><u>Threat of Destruction or Harm:</u></b> Committing an act of violence (such as hitting, kicking, punching, and scratching), or attempting to do so upon another student, a teacher, administrator, other school employee, or any other person lawfully on school property. Intentionally, or recklessly, threatening persons lawfully on school property with harm or intimidation.</li> <li>• <b><u>Weapons:</u></b> Possessing, handling, transmitting, threatening with a weapon or dangerous object or instrument perceived as a weapon that may create a danger to oneself or others, or causes disruption to the learning environment. (Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.)</li> <li>• <b><u>Vandalism:</u></b> Intentionally or recklessly damaging or destroying school property or the personal property of any student, teacher, administrator, other district employee, or any person lawfully on school property. This includes graffiti or arson.</li> <li>• <b><u>Theft:</u></b> Stealing school property or the property of other students, school personnel, or any other person lawfully on school property or attending a school function.</li> <li>• <b><u>Battery:</u></b> Fighting or causing physical injury. Assaulting, attacking, or threatening physical injury</li> <li>• <b><u>Arson:</u></b> Committing any criminal acts including arson and bomb extortion.</li> </ul>	
<b><u>Infraction:</u></b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<p><b>Threat of destruction or harm</b> Any threat (verbal, written, or electronic) by a person to bomb or use of other substances or devices for the purpose of exploding, burning, causing damage to a school building or school property, students or staff.</p> <p>The threat to use a weapon to harm another person.</p> <p>Threatening to harm others, whether communicated verbally, non-verbally or via electronic communication which creates or would reasonably create a fear of physical or emotional harm which creates a hostile school environment.</p>	<p>Stage 3</p> <ul style="list-style-type: none"> <li>• continuation of the more stringent Stage 2 options</li> <li>• parental conference</li> <li>• temporary removal from class</li> <li>• in-school suspension</li> <li>• out-of-school suspension</li> <li>• police report filed</li> <li>• meeting with BOCES staff, parent and component school representative</li> <li>• investigation of alternative programs</li> <li>• recommend filing of a PINS petition by the home school district, where age-appropriate</li> <li>• loss of classroom or program privileges</li> <li>• Superintendent's Hearing</li> <li>• suspension from club activities</li> </ul>
<p><b>Arson</b> Deliberately starting a fire by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with the intent to damage or destroy property. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.</p>	<p>Stage 3</p>

<p><b>Weapons</b>  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.</p> <ul style="list-style-type: none"> <li>a. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun</li> <li>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</li> <li>c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles</li> <li>d. a sandbag or sand club</li> <li>e. a sling shot or slung shot</li> <li>f. a martial arts instrument including, but not limited to, a kung fu star, ninja star, nun chuck, or shirken</li> <li>g. an explosive, including, but not limited to, a firecracker or other fireworks</li> <li>h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray</li> <li>i. an imitation gun</li> <li>j. loaded or blank cartridges or other ammunition</li> <li>k. any other deadly or dangerous instrument</li> </ul>	<p>Stage 3</p>
<p><b>Burglary/Breaking &amp; Entering</b>  Entering or remaining unlawfully on school property with intent to commit a crime.</p>	<p>Stage 3</p>
<p><b>Theft – Stealing Personal or School Property</b>  Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.</p>	<p>Stage 3</p>
<p><b>Vandalism – Damage to School or Personal Property</b>  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 with graffiti.</p>	<p>Stage 3</p>
<p><b>Battery – Physical Attack/Harm</b>  Touching or striking of another person against his or her will or intentionally causing bodily harm to an individual.</p>	<p>Stage 3</p>

<p><b>Other Infractions creating significant disruption of Educational Environment</b>          Setting off alarm when there is no cause to do so, including fire alarms, 911 calls, bomb threats, or other acts causing evacuation of the building or emergency procedures which endangers the welfare of students.</p>	<p>Stage 3</p>

**Category Description:**

**IV. Attendance**

- Lateness for school or class, missing, or leaving school without permission.
- Any truancy or unauthorized absences from school classes.
- Skipping detention.

<p><b><u>Infraction:</u></b></p>	<p><b><u>Consequence(s) may include but are not limited to the following:</u></b></p>
<p><b>Tardiness</b>          Unexcused late for school or class, missing, or leaving school without permission.</p> <p><b>Truancy</b>          Any truancy or unauthorized absences from school classes</p> <p><b>Skipping Detention</b></p>	<p>Stage 1</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> <li>• seat change</li> <li>• parental contact (written or verbal)</li> <li>• temporary removal from class</li> <li>• behavioral contract</li> <li>• school-community service</li> <li>• confiscation of materials/contraband</li> <li>• payment of damages</li> <li>• loss of classroom privileges</li> <li>• written warning</li> <li>• removal from classroom by teacher</li> </ul>

**Category Description:**

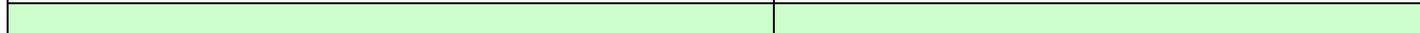
**V. Violation of School Policies**

- Driving on BOCES premises without a parking/driving permit
- Transporting or driving with other students while on BOCES premises
- Unsafe vehicular acts, including, but not limited to, speeding
- Violation of AUP (Acceptable Use Policy)
- Videotaping of any kind without the approval of a school administrator
- Selling, using, or possessing obscene material, including “Sexting”, smoking a cigarette, cigar, pipe, or using chewing or smokeless tobacco, including E cigarettes, **vaping and/or related paraphernalia**
- Possessing, consuming, selling, distributing, or exchanging alcoholic beverages, tobacco, illegal substances, or being under the influence of either
- Possessing paraphernalia related to alcoholic beverages or illegal substances. “Illegal Substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs.”
- Sharing, or using inappropriately, prescription and over-the-counter drugs.
- Gambling.
- Selling, using or possessing obscene material

<ul style="list-style-type: none"> <li>• Indecently exposing: that is, intentionally exposing to sight, private parts of the body in any lewd or indecent manner.</li> <li>• Initiating a report that warns of fire or any other catastrophe without valid cause, the misuse of 911, or the discharging of a fire extinguisher.</li> <li>• Gang-related activity.</li> <li>• Engaging in any form of academic misconduct. Examples of these include, but are not limited to:             <ol style="list-style-type: none"> <li>1) Plagiarism</li> <li>2) Cheating</li> <li>3) Copying</li> <li>4) Altering Records</li> <li>5) Assisting another student in any of the above actions.</li> </ol> </li> </ul>	
<b><u>Infraction:</u></b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<b>Academic Misconduct</b> Engaging in any form of academic misconduct. Examples are 1) Plagiarism 2) Cheating 3) Copying 4) Altering Records 5) Assisting another student in any of the above actions	Stage 1, 2, or 3
<b>Alcohol</b> Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol.	Stage 3
<b>Cell Phone Use/Videotaping</b> Videotaping via any electronic means, including cell phone and other portable electronic devices of any kind is prohibited without the approval of the school administrator. Cell phones are not to be used without the approval of school personnel in direct supervision of the student.	Stage 1
<b>Driving &amp; Parking Violations</b> Failure to maintain eligibility for driving/parking permit due to violations of the code of conduct (i.e., not maintaining 85 average and recommendation, excess attendance/absences or tardy, ALE, ISS or OSS assignment)  Driving on school property carelessly or without due caution to as to endanger persons or property; parking illegally or without a school parking tag; leaving early without authorization, driving without administrative approval, driving peers without authorization	Failure to maintain eligibility- (related to academic or attendance) <ul style="list-style-type: none"> <li>• 1<sup>st</sup> offense-up to 3 week suspension of privileges</li> <li>• 2<sup>nd</sup> offense up to 5 week suspension</li> <li>• 3<sup>rd</sup> offense- suspension for up to 10 weeks.</li> </ul> Failure to maintain eligibility- violations of Code of Conduct:  If student is assigned ALE/ISS <ul style="list-style-type: none"> <li>• Student will lose driving/parking for up to 5 days</li> <li>• 2<sup>nd</sup> violation- loses for up to 5 weeks</li> <li>• 3<sup>rd</sup> violation- suspension of</li> </ul>

	<p>driving/parking privileges for up to 1 year. If OSS is imposed:</p> <ul style="list-style-type: none"> <li>• Student will lose driving/parking privileges for up to 10 weeks</li> <li>• 2<sup>nd</sup> offense- revocation of driving/parking privileges for up to 6 months or the remainder of the school year. (If violation occurs at the end of the school year, Administration may carry over revocation into the next school year, not to exceed 6 months).</li> </ul> <p>Reckless driving/safety violation 1<sup>st</sup> offense:</p> <ul style="list-style-type: none"> <li>• Suspension of privileges up to 10 weeks</li> <li>• Payment of damages may be required</li> <li>• Notice to Parents</li> <li>• Notice to law enforcement (as appropriate)</li> </ul> <p>2<sup>nd</sup> Offense</p> <ul style="list-style-type: none"> <li>• Revocation of privileges for up to one calendar year</li> <li>• Payment of damages may be required</li> <li>• Notice to law enforcement (as appropriate)</li> </ul> <p>•</p>
<p><b>Drugs - Illegal drug possession, sale, use/under influence</b> Unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation, or importation of any controlled drugs or narcotic substance, including prescription medications. This includes designer drugs and synthetic drugs that have similar effects as any illegal or controlled drug or narcotic.</p> <p>Warning: The distribution of prescription medication to a person for whom the medication has not been prescribed will result in a violation of the code of conduct, even if the medication is not a “controlled substance”.</p>	<p>Stage 3</p>
<p><b>Gambling</b></p>	<p>Stage 3</p>
<p><b>Inappropriate Use of Medication</b> Unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation or importation of any controlled drugs.</p> <p>Warning: The distribution of prescription medication to a person for whom the medication has not been prescribed will result in a violation of the code</p>	<p>Stage 3</p>

<p>of conduct, even if the medication is not a “controlled substance”.</p>	
<p><b>Tobacco</b>          Unlawful use of tobacco products on school grounds or school related functions and activities off campus. Possession, consumption, selling, distributing, or exchanging of tobacco or being under the influence. To include, cigarettes, cigars, pipes, chewing or smokeless tobacco, including E cigarettes.</p>	<p>Stage 3</p> <ul style="list-style-type: none"> <li>• continuation of the more stringent Stage 2 options</li> <li>• parental conference</li> <li>• temporary removal from class</li> <li>• in-school suspension</li> <li>• out-of-school suspension</li> <li>• police report filed</li> <li>• meeting with BOCES staff, parent and component school representative</li> <li>• investigation of alternative programs</li> <li>• recommend filing of a PINS petition by the home school district, where age-appropriate</li> <li>• loss of classroom or program privileges</li> <li>• Superintendent’s Hearing</li> <li>• suspension from club activities</li> </ul>



**Category Description:**

**VI. Harassment/Bullying and/or Discrimination**

- Acts of harassment and bullying shall include, but not be limited to, acts based on a person’s **actual** or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex.
- Bullying or cyber-bullying, which includes non-verbal and verbal threats or intimidation, causing a student to fear for his or her physical safety or which causes emotional harm, including actions such as spreading rumors, engaging in cruelty to others, terrorizing, coercing, or habitual put-downs and/or badgering of others
- Defaming, verbally or electronically (cyber-bullying), which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals, that harms the reputation of the person, or the identifiable group, by demeaning them
- Emotional Harm that takes place in the context of “harassment or bullying” are acts that harm 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.
- Extortion which is threatening or intimidating any student for the purpose or intent of obtaining money or anything of value from that student
- Discrimination, which includes acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex as a basis for treating another in a negative manner
- Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements, directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning.
- Intimidation (verbal and non-verbal), which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team.
- Sexual Harassment: Includes unwanted sexual attention or contact such as looks, gestures, jokes, teasing, pressuring for dates/sexual contact, demeaning comments, attempts to handle the clothing

- of another person, or deliberate cornering or attempting to kiss another person.
- Sexual misconduct, such as sexual touching of intimate body parts, handling or touching the clothing of others, sexual intercourse, or indecent exposure.

<b><u>Infraction:</u></b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<p><b>Bullying or Cyber-bullying</b></p> <p>Harassment or bullying which occurs through any form of electronic communication</p> <p>Creating a hostile school environment by conduct or by threats, intimidation or abuse that either has or would have the effect of unreasonably and substantially interfering with a students' educational performance, opportunities or benefits and/or physical wellbeing; including conduct, threats, intimidation which causes or would reasonably expected to cause a physical injury to a student or cause the student to fear for his or her physical safety. Also included is acts which 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 may reach school property.</p> <p>Examples include Intentional, repeated acts of verbal, physical, or written aggression by another person or group of people, operating from a position of strength or power with the goal of hurting the victim physically or damaging status and/or social reputation.</p> <p>Defaming, verbally or electronically, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals, that harms the reputation of the person or the identifiable group by demeaning them.</p>	<p>Stage 1, 2, or 3</p>
<p><b>Extortion</b></p> <p>Threatening or intimidating any student for the purpose or intent of obtaining money or anything of value from that student.</p>	<p>Stage 3</p>
<p><b>Discrimination</b></p> <p>Discrimination which includes acts based on a person's actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex as a basis for treating another in a negative manner.</p>	<p>Stage 3</p>
<p><b>Harassment (Dignity Act)</b></p> <p><b>Harassment or bullying</b> - the creation of a hostile school environment by conduct or by threats, intimidation or abuse, including cyber-bullying, as defined in Education Law §11(8) that either has or</p>	<p>Stage 3</p>

<p>would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or expected to cause physical injury to a student or to cause the student to fear for his or her physical safety. Such conduct includes acts of harassment and/or bullying that occur (1) on school property and/or (2) at a school function; and/or (3) off school property where such acts of harassment or bullying 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. Acts of harassment and bullying shall include but are not limited to nonverbal and 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 (including identity or expression), or sex.</p>	
<p><b>Threats/Intimidation – Causing Fear or Harm</b> Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in non-verbal or verbal or physical conduct that threatens another with harm and would cause or reasonably be expected to cause physical injury to a student or to cause the student to fear for his or her physical safety or which causes or would reasonably be expected to cause emotional harm.</p>	Stage 3
<p><b>Hazing</b> Includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school sponsored activity, organization, club or team.</p>	Stage 3
<p><b>Sexual Harassment or Misconduct</b> Sexual Harassment: Includes unwanted sexual attention or contact such as looks, gestures, jokes, teasing, pressuring for dates/sexual contact, demeaning comments, attempts to handle the clothing of another person, or deliberate cornering or attempting to kiss another person. Sexual misconduct, such as sexual touching of intimate body parts, handling or touching the clothing of others, indecent exposure, or sexual intercourse</p>	Stage 3

**Category Description:**

**VII. Safety**

- Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building, including off-site classrooms.
- Speeding, transporting others, and unsafe vehicular acts are prohibited on BOCES premises.
- Engaging in misconduct while on a BOCES school bus, or on BOCES sponsored transportation.
- (Students are to behave appropriately while riding on district buses to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated.)
- Unsafe behavior/conduct on school premises, such as running, shoving, pushing, or general "horseplay".

<b>Infraction:</b>	<b><u>Consequence(s) may include but are not limited to the following:</u></b>
<b>Trespassing</b> Being in a school building, other than the one regularly attended, without permission from the administrator in charge of the building, including off-site classrooms.	Stage 3
<b>Physically Endangering Behavior</b> Any deliberate, negligent or reckless actions that endanger the physical safety or well-being of any student or staff member (including self-endangerment). Speeding, transporting others, and unsafe vehicular acts are prohibited on BOCES premises. Unsafe behavior/conduct on school premises, such as running, shoving, pushing, or general "horseplay".	Stage 3
<b>Misconduct on Buses</b> <i>Field Trips/Classroom Experience:</i> Students are to behave appropriately while riding on buses to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, and fighting will not be tolerated. <i>District Transportation:</i> Student behavior on District Transportation will be addressed by the district.	Stage 1, 2, 3

CODE OF CONDUCT

**Section VII. Discipline of Students with Disabilities**

1. 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 have certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

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.

2. Authorized Suspension or Removal of Students with Disabilities

a. 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 is a temporary educational placement for a period of up to forty-five (45) school days, other than the student's current placement at the time the behavior precipitating the IAES placement. The IAES placement enables the student to continue to progress in the general curriculum in an alternate setting to receive those services and modifications, including those described on the student's current Individualized Education Program (IEP). The student will continue to meet the goals set out in such IEP and will include services and modifications to address the behavior which precipitated the IAES placement which is designed to prevent the behavior from recurring.

b. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

i) The component school Board and superintendent of schools, or a BOCES administrator may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

ii) The component school superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (i) above for the same behavior, if the component school 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.

The component school superintendent may order additional suspensions of not more than ten (10) 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.

The component school 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 forty-five (45) school days if the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function; carries to or possesses a weapon at school or on school premises, or at a school function under the district's jurisdiction.

- c. 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 forty-five (45) school 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.

### **Section VIII. Determination of Charges against Students**

1. When a complaint is made to the District Superintendent or designee about a violation by a student or students, or whenever he/she has knowledge that such a violation may have occurred, he/she shall cause an investigation to be made with the statements of the complainants, if any, and of other persons having knowledge of the facts reduced to writing. If he/she is satisfied from such investigation and statements finding there is reasonable ground to believe that there has been such a violation, he/she, or his/her administrative designee, shall discuss the matter with the alleged violator or violators and determine the extent of any such violation. Upon a determination of a violation, the District Superintendent or administrative designee, shall refer the matter to the component school district of the student for such disciplinary action as in its judgment is deemed warranted under the particular circumstances, having in mind always the limitations, if any, imposed by law.
2. The District Superintendent may suspend the student charged with a violation of these rules and regulations pending determination thereof, when it is in his/her judgment that the continued presence of such student would constitute a clear danger to the safety, morale, health or welfare of himself or other persons or to the safety of property on the premises, or would pose an immediate threat of disruptive interference with the normal conduct of the BOCES activities and functions. Suspension will be subject to limitations and procedures prescribed by §3214 of the Education Law.

### **Section IX. BOCES Staff/Students Assigned to Component Schools**

Staff and students assigned to BOCES facilities will follow the Board of Education policies and accompanying regulations of the BOCES. Staff and students assigned to component school buildings will follow the Board of Education policies and accompanying regulations of that school district.

CODE OF CONDUCT

**PART 2**

**PARENT/GUARDIAN, TEACHERS, OTHER SUPPORT STAFF, AND ADMINISTRATIVE STAFF**

1. The Role of the Parent/Guardian

To achieve a cooperative, wholesome relationship between home and school that is essential to each student's successful development and achievement, it shall be the responsibility of parents/guardians to:

- a. Send their child to school as required by the New York State Education Law.
- b. Insist on prompt and regular attendance.
- c. Make certain that all absences are properly excused.
- d. Provide for their child's health, personal cleanliness, and suitable grooming and dress.
- e. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
- f. Teach their child respect for law, for the authority of the school and for the rights and property of others.
- g. Know and understand the rules their child is expected to observe at school; to be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's actions.
- h. Teach their children respect and dignity for themselves and for others, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity and sex which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

2. The Role of the Teachers and Other Support Staff

In recognition of their charge in educating the children of our community, it shall be the responsibility of the teachers and other support staff to:

- a. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
- b. Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
- c. Actively participate in the establishment and implementation of school rules, regulations and reporting regarding student behavior; explain these rules to students and require observance of them.
- d. Enable students to discuss their problems by listening to students, remaining open-minded, and consulting and acting on student recommendations in the decision-making process.
- e. Be fair, firm, and consistent in enforcing school rules in buildings, school buses, on the school campus and at school sponsored activities.
- f. Give positive reinforcement for acceptable behavior.
- g. Be a part of the interdisciplinary/interdivisional team that works with the student.
- h. Communicate regularly with parents/guardians.
- i. Exemplify appropriate dress, reinforce acceptable student dress, and help

students develop an understanding of appropriate appearance in the school setting.

- j. Recognize that extremely brief garments such as tube or tank tops, net tops, halter-tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
- k. Ensure that outer clothing completely covers underwear.
- l. Address items that are vulgar, obscene, and libelous, of a bullying/ harassing or discriminatory nature or that denigrate others on account of actual or perceived race, color, weight, religion, or religious practice, national origin, sex, gender, sexual orientation or disability.
- m. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal activities.
- n. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- o. Report incidents of discrimination, bullying and/or harassment that are witnessed or otherwise brought to a teacher's attention and promptly orally report within one (1) school day to the BOCES administrator, their designee or the Superintendent such incidents and to file a written report within two (2) school days after making the oral report to the designated individual.

### 3. The Role of Administrative Staff

As the educational leaders of the school, administrators set the disciplinary climate. It shall be the responsibility of the administrative staff to:

- a. Create an environment that prohibits harassment, bullying and/or discrimination by employees or students on school property or at a school function regardless of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, or sex. b. Work towards creating the best teaching/learning situation possible, exercising all authority assigned by the District Superintendent and Board of Education.
- c. Evaluate the program of instruction and activities in the schools to achieve a meaningful education program.
- d. Help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
- e. Receive teacher or counselor referrals of students with behavior problems; confer with these students; communicate with parents/guardians; and set up cooperative procedures for bringing about modification of the student's behavior.
- f. Provide written notice, as required, to parents/guardians of students, who have been removed, pursuant to the Regulations of the Commissioner of Education and Education Law §3214..
- g. Evaluate the appropriateness of a student removal from class and provide the parents/guardians an opportunity to meet and discuss the incident pursuant to the Regulations of the Commissioner of Education and Education Law §3214.
- h. Work towards utilizing all appropriate auxiliary staff and outside agencies to help parents/guardians and students identify problems and seek solutions.
- i. Work towards providing the opportunity for students and staff to approach him/her directly for redress of grievances.
- j. Be fair, firm, and consistent in all decisions affecting students, parents/guardians, and staff.
- k. Maintain open lines of communication between the school and the home.
- l. Assume responsibility for the dissemination and enforcement of the BOCES discipline policy and ensure that all cases are resolved promptly.
- m. Comply with pertinent laws and regulations governing hearings, suspensions, and students rights.
- n. Enable students to discuss their problems by listening to students; remaining open-minded; and consulting and acting on student recommendations in the decision-making process.

- o. Facilitate the professional development of staff members and support in-service programs.
- p. Establish the line of administrative authority in the building in the absence of the administrator.
- q. Contact law enforcement officials as specified in the Emergency Management Plans.
- 1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion and religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen student' self-image and promote confidence to learn.
- 2. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying and/or harassment that are witnessed or otherwise brought to the Principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
- 3. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's code of conduct, including but not limited to the provisions of 100.2(l) (2) (ii) (h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.
- 4. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
- 5. Promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- 6. Provide a regular report on data and trends related to harassment, bullying and/or discrimination to the Superintendent. A "regular report" shall mean at least once during each school year in a manner proscribed by the District.

### **PART III**

#### **MAINTENANCE OF PUBLIC ORDER ON SCHOOL PROPERTY**

##### **Section 1: Strategies and Procedures for the Maintenance and Enforcement of Public Order on School Property**

1. **Statement of Purpose.** The following rules are adopted in keeping with the spirit of §2801 of the Education Law. Said rules shall be subject to amendment or revision as the need may arise. Nothing herein is intended, nor shall it be construed to limit or restrict the freedom of speech nor peaceful assembly. These rules shall not be construed to prevent or limit communication between and among teachers, students and administration, or to relieve the BOCES authorities of their special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent but to prevent abuse of the rights of others and to maintain public order appropriate to the BOCES educational program. They shall be interpreted and applied to that end.
2. **Application of Rules.** These rules shall apply to all BOCES owned and leased facilities. When BOCES classes are located in component schools, students and teachers shall be subject to rules and regulations of that school district and, when violations occur penalties will be imposed either by the local district or by BOCES depending upon the circumstances. The rules hereby adopted shall govern persons, whether or not their presence is authorized, and upon or with respect to any other premises or property, under the control of BOCES.
3. **Prohibited Conduct.** No person, either singly or in concert with others shall:
  - a. Willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act,

which he/she has a lawful right to do.

- b. Physically restrain or detain any other person, nor remove such person from any place where he/she is authorized to remain.
- c. Willfully damage or destroy BOCES property under its jurisdiction nor remove or use such property without authorization.
- d. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- e. Without authorization, remain in any building or facility after it is normally closed.
- f. Refuse to leave any building or facility after being required to do so by any authorized officer.
- g. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- h. Deliberately disrupt or prevent the peaceful and orderly conduct of classes and meetings or deliberately interfere with the freedom of any person to express his/her views.
- i. Willfully incite others to commit any of the acts herein prohibited.
- j. Loiter in the school buildings or on school grounds. (Under §240.35 of the State Penal Law, a person is guilty of loitering when he/she loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of, or responsibility for, a student or any other specific legitimate reason for being there and not having written permission from any one authorized to grant the same.)
- k. Picket or demonstrate contrary to the concept of acceptable conduct set forth in this policy.
- l. Distribute or wear materials on school grounds or at school a function that are obscene, advocate illegal actions, appear libelous, obstructs the rights of others, or are disruptive to the school program.
- m. Intimidate, bully, harass or discriminate against any person on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex, through verbal, non-verbal and electronic means.
- n. Possess, consume, sell, distribute or exchange alcoholic beverages, tobacco, controlled substances or paraphernalia related to them, or be under the influence of either on school property or at a school function.
- o. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
- p. Gamble on school property or at school functions.
- q. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

#### 4. Freedom of Speech and Assembly; Picketing and Demonstrations.

- a. No student, teacher or other staff member or authorized visitor shall be subject to any limitations or penalty solely for the expression of his views or for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations are limited to public areas outside of the grounds and buildings. Those involved in picketing and demonstrations may not, however, engage in specific conduct in violation of the provisions of the preceding section or paragraph (c) of this section.
- b. In regard to actions and demonstrations that tend to endanger life, public or private property or to violate local, state or federal laws, each participant will take the consequence of his own actions as an individual before the law. Any damage to public or private property must be assumed by those legally responsible.
- c. In accordance with New York State and federal law, the following pertains to the conduct of those members of the school community who feel compelled to express their dissent through picketing and other forms of demonstration:
  - i.) Picketing or demonstrating must be orderly at all times and should in no way jeopardize public order or safety or interfere with school programs.

- ii.) Picketing and demonstrating must not interfere with entrances to buildings or the normal flow of pedestrian or vehicular traffic.
- iii.) Students involved in picketing or demonstrating may not interfere by mingling with organized meetings or other assemblies for the purpose of harassment, since this invades the rights of others to assemble and the rights of speakers to free expression.
- iv.) Picketing or demonstrating may not obstruct or physically interfere with the integrity of the classroom, the privacy of administrative offices, or the functioning of the physical plant.

## 5. Enforcement Program

- a. The District Superintendent shall be responsible for the enforcement of these rules, and he/she shall designate other administrators who are authorized to take action in accordance with such rules when required or appropriate.
- b. It is not intended by any provision herein to curtail the right of students, teachers, or staff to be heard upon any matter affecting them in their relations with BOCES. In the case of any apparent violation of these rules by such persons, which, in the judgment of the District Superintendent or his designee does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any school premises where their continued presence and conduct is in violation of these rules.
- c. In any case, where violation of these rules does not cease after such warning and in other cases of willful violation of such rules, the District Superintendent or his designee shall cause the ejection of the violator from any premises which he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.
- d. The District Superintendent or designee may apply to the public authorities for any aid, which he/she deems necessary in causing the ejection of any violator of these rules, and he/she may request the school attorney to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.

## 6. Procedure

- a. The District Superintendent or designee shall inform any licensee or invitee who shall violate any provisions of these rules that the license or invitation is withdrawn and shall direct the party to leave the BOCES property. In the event of his failure or refusal to do so, such officer shall cause his/her ejection from such property.
- b. In the case of any other violator, who is neither a student nor teacher or other staff member, the District Superintendent or designee shall inform him/her that he/she is not authorized to remain on the property and direct him to leave such premises. In the event of his/her failure or refusal to do so, such officer shall cause their ejection from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his liability prosecution for trespass or loitering as prescribed in the Penal Law.
- c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner hereinafter provided in section 9 of these Rules and Regulations.
- d. In the case of a tenured teacher, charges of misconduct in violation of these rules shall be made and determined in accordance with the New York State Education Law and any pertinent contractual provisions. In the case of a non-tenured

teacher, the provisions of New York State Education Law and any contractual provisions shall be observed.

- e. In the case of any staff member who holds a position in the classified civil service, described in §75 of the Civil Service Law, charges of misconduct in violation of these rules shall be made, heard and determined as prescribed in that section. In addition, any pertinent contractual provisions shall be followed.
- f. Any other employee, staff member, or administrator, who shall violate any provision of these rules shall be dismissed, suspended, fined or reprimanded by the appointing authority subject to any applicable law, rule, or regulation.

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

- a. 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.
- b. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements set forth in Education Law and consistent with the Code of Conduct.
- c. In the event of disciplinary actions in response to acts of harassment, bullying and or discrimination against students by employees or students, a progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student's behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.
- d. 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.
- e. 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.
- f. Staff members other than those described in subdivisions c and d. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

8. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the BOCES administrator or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function must report this information immediately to a teacher, the BOCES administrator, the BOCES administrator designee or the District Superintendent. Any student observing another student being harassed, bullied and/or discriminated against by another student or a staff member should report this information either orally, or in writing, immediately to a teacher, the building DASA Coordinator, the BOCES administrator, the BOCES Administrator designee or the District Superintendent.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or who witness such acts shall report the incident orally within one (1) school day to the BOCES administrator, the BOCES administrator designee or the District Superintendent. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days. The BOCES administrator, BOCES administrator designee or the District Superintendent 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 report made.

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the District Superintendent, BOCES administrator or BOCES administrator's designee shall take prompt action, consistent with the District's Code of Conduct, including but not limited to the provisions of Section 100.2(l)(2)(ii)(h) reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed.

Any retaliation against an individual who, in good faith, reports, investigates, participates or otherwise assists in the investigation of harassment, bullying and/or discrimination is prohibited. All BOCES staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. BOCES staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent/guardian of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The BOCES administrator or his or her designee must notify, in accordance with Education Law and Regulations of the Commissioner of Education, the appropriate local law enforcement agency about these code violations that constitute a crime and substantially affects the order or security of a school as soon as practical, but in no event later than the close of business on the day the BOCES administrator or his or her designee learns of the violation.

The BOCES administrator or his or her designee shall notify promptly the appropriate law enforcement agency when it is believed that any harassment, bullying and/or discrimination may constitute criminal conduct.

The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made or if not possible, no later than the next business day. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

## APPLICATION OF RULES

These rules shall apply to all building and grounds of the BOCES and shall govern the conduct of students, teachers, staff members, as well as visitors and other licensees and invitees.

CODE OF CONDUCT

**PART IV: DIGNITY FOR ALL STUDENTS ACT (Chapter 482 of the Laws of 2010)**

*New York State's Dignity for All Students Act (Dignity Act) seeks to provide the state's public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, and/or bullying on school property, a school bus and/or at a school function and to foster civility in public schools while preventing and prohibiting conduct which is inconsistent with a school's educational mission. The Dignity Act was signed into law on September 13, 2010 and went into effect on July 1, 2012, with an Amendment going into effect on July 1, 2013.*

"No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected 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 by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a paragraph (a) of subdivision two section twenty-eight hundred fifty four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et, seq.) or to prohibit, as discrimination based on disability, action that would be permissible under section 504 of the Rehabilitation Act of 1973.

1. The legislation provides protection for those who make reports of cases of suspected abuse or harassment. This includes reports made in good faith to school officials, the Commissioner of Education, all or law enforcement authorities. The protection also applies to anyone who testifies, participates or assists in any formal or informal proceedings under the law. Those persons shall have immunity from civil liability that may arise from the making of such a report for testifying. Participating, or assisting in those proceedings. No school district or employee shall take any retaliatory action against such person who acting reasonably and in good faith, make such a report or initiates or assists in such a proceeding.
2. BOCES will provide instruction to students in grades Kindergarten through twelfth (12) on subjects including tolerance, respect for others, and dignity as well as raising awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different actual or perceived race, weight, national origin, religion, religious practice, ethnicity, disability, sexual orientation, gender and sex as part of the instruction in civility, citizenship and character education. This instruction will include an emphasis on discouraging acts of harassment, bullying and/or discrimination. Such instruction will also include instruction on the safe and responsible use of the internet and electronic communications.
3. BOCES will establish measured, balanced and age-appropriate responses to instances of harassment, bullying and/or discrimination by students, with remedies and procedures following a progressive model that makes appropriate use of intervention, discipline, education that will vary in method according to the nature of the behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and consider the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment, consistent with other provisions of the Code of Conduct.
4. BOCES will form a BOCES-wide or Building Committee to establish training guideline for Board approval which offers guidance to staff to raise awareness and sensitivity to potential acts of harassment, bullying, cyber-bullying and/or discrimination committed by students and/or employees on school grounds or at a school function, as well provide as information on how to identify and respond to incidents of harassment, bullying and/or discrimination. Training will also provide strategies and instruction to discourage and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address

problems of exclusion, bias and aggression in the school setting as well as promote a positive and safe environment for all students. The training should be designed to make school employees aware of the effects of bullying, harassment and/or discrimination and raise awareness of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment and provide strategies for disrupting and discouraging bullying, intimidation, harassment and other forms of violence. Training shall also include safe and supportive climate concepts in curriculum and classroom management.

5. The BOCES-wide or Building Committee (possibly the same team) should review current character education and civility instruction to determine what additional information should be incorporated to reflect DASA, including, but not limited to, instruction on awareness and sensitivity to discrimination and harassment and promoting civility and tolerance by students related to a person's actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
5. At least one employee in every school shall be designated as a Dignity Act Coordinator, who shall be employed by the BOCES and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the BOCES within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.

Each Dignity Act Coordinator appointed will be thoroughly trained to handle human relations in areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. In addition, each DAC shall be provided with training which addresses the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. Additional training will assist the DAC in identifying and mitigating incidents of harassment, bullying and/or discrimination as well as providing strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The DAC will be accessible to students and staff for consultation and advice as needed related to the Dignity for All Students Act.

## 6. Prevention

Prevention is the cornerstone of BOCES' effort to address bullying, discrimination, cyber-bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011." BOCES curriculum will emphasize developing empathy, tolerance and respect for others.
- Creating a dynamic learning environment for all students.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the BOCES' code of conduct.

- Providing staff training to promote a positive school environment free from discrimination and harassment.
- Providing training to raise awareness and sensitivity to potential acts of discrimination and/or harassment and understanding of the Code of Conduct.
- Providing staff training to enable employees to prevent and respond to incidents.
- Providing staff training to make school employees aware of the effects of harassment, bullying, cyber-bullying and/or discrimination. Such training shall raise awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing training to assist staff in addressing the social patterns of harassment, bullying and/or discrimination, to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting.
- Ensuring the effective implementation of school policy on conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or school employees.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

## 7. Reporting of Incidents

i) School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of harassment, bullying, and/or discrimination 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 harassment, bullying, and/or discrimination, and.

(ii) such school employee shall also file a written report in a manner prescribed by BOCES with the principal, superintendent, or their designee no later than two school days after making an oral report.

(iii) 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 made under Education Law section 13.

(iii) When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, consistent with the district's code of conduct including but not limited to the provisions of section 100.2(l)(2)(ii)(h), reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

(iv) 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.

(v) The principal shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the superintendent. For the purpose of this subdivision, the term "regular report" shall mean at least once during each school year, and in a manner prescribed by, as applicable, the school district, BOCES or charter school.

## 7. Reporting of material incidents to the commissioner.

For the 2013-2014 school year and for each succeeding school year thereafter, each school district, board of cooperative educational services (BOCES) and charter school shall submit to the commissioner an annual report of material incidents of harassment, bullying, and/or discrimination, that occurred in such school year, in accordance with Education Law section 15 and this subdivision. Such

report shall be submitted in a manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

#### 8. **Remediation/Discipline/Penalties**

Any individual who violates this policy by engaging in harassment, bullying and/or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property

#### 9. Dissemination and Review

All parents and persons in parental relation will receive notice, at least annually, of the Dignity Act Coordinator for each building and the name of the designated building official(s) to whom complaints of alleged harassment, bullying and/or discrimination may be made. Information will be provided in a manner determined by the BOCES (which may include through electronic information or by sending

information home with students). This information will also be posted in highly visible areas of the school building and will also be made available at BOCES District and school-level administrative offices.

A change in the name and/or contact information of a Dignity Act Coordinator will not constitute a revision to the Code of Conduct so as to require a public hearing.

Information about the Dignity for All Students Act and its interrelation with the BOCES Code of Conduct shall be contained in the plain language summary of the Code of Conduct provided to all parents and persons in parental relation to students before the beginning of school each year, or by providing this information at least once per year in a manner determined by the BOCES which may include sending information home with students or electronic communication.

In addition this information will be posted in highly visible areas of the buildings and shall be available in district and school level administrative offices and on the BOCES website.

All current staff members and teachers will receive a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption. All new employees will receive a copy of the Code of Conduct when they are first hired.

## Washington-Saratoga-Warren-Hamilton-Essex BOCES

### **PART V: CODE OF CONDUCT PROCEDURES FOR ADULT STUDENTS**

#### **WSWHE BOCES CTE Programs**

##### First Instance

- Written documentation of the concern or incident will be placed in School Tool (student data base)
- Teacher and student will meet to discuss concern or incident
- Written documentation of the meeting which will include the findings and proposed resolution will be completed and provided to student. The student will acknowledge receipt and agreement or disagreement in writing.
- Stage 1 and 2 violations will be dealt with on a case by case basis
- The following infractions (Stage 3 violations) may result in immediate removal from programming at any WSWHE BOCES CTE Division site (examples of stage 3 violations include but are not limited to):
  - Aggressive behavior toward staff
  - Vandalism
  - Setting off a false alarm
  - Possession, sale and/or use of drugs or alcohol, including coming to school or program under the influence of drugs or alcohol
  - Possession or use of any type of weapon on school property

##### Second Instance

- Written documentation of the concern or incident will be placed in School Tool (student data base)
- Teacher and student along with Counselor and Administrator will meet to discuss the concern or incident/s
- Written documentation of the meeting to include outcome/s and resolution/s and a behavioral contract will/may be put into effect with a signed copy of the contract given to the Director of the CTE division

##### Third Instance

Any third instance of misconduct or if the Behavior Contract is violated: The student may be removed from the class and or the program by the program administrator. The CTE Director will be notified in writing of the misconduct or violation, the circumstances and student's removal.

##### Appeals Process

A student who has been removed from the program may pursue an appeal of that decision. This appeal must be filed, in writing, with the Director of CTE within five (5) days of the receipt of the decision to remove.

The director will promptly investigate the complaint. A written notice of the outcome of the investigation will be provided to the complainant within twenty (20) working days and all decisions are final.

WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX BOCES

*CODE OF CONDUCT AGREEMENT*

As the parent or guardian of, \_\_\_\_\_, I have read and reviewed the attached *WSWHE BOCES Code of Conduct* with my son/daughter. We agree to abide by the guidelines outlined for behavior set forth in the document. We understand that any violation of the *Code of Conduct* will result in consequences as outlined in the *Code of Conduct*.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

*Please sign and return to the program principal by  
September 19, 2018*