



Student Code of Conduct

FULL VERSION



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STUDENT CODE OF CONDUCT

I. Mission

The mission of the Orange-Ulster Board of Cooperative Educational Services (OU BOCES) is to serve our component districts and community in the development of continuous learners who will be successful in meeting the challenges of living in our society today and in the future. We will accomplish this mission in a cost-effective manner with a dedicated, skilled, caring staff providing quality educational programs in a safe, nurturing and accessible environment.

II. Introduction

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

OU BOCES strives to prohibit discrimination, harassment, bullying and cyberbullying against any student that creates a hostile school environment, by employees or students on school property or at a school function. A hostile school environment may be created by conduct, threats, intimidation or abuse that either: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, benefits, mental, emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. These prohibitions apply to discrimination, harassment, bullying and cyberbullying off school property when the acts create or would foreseeably create a risk of substantial disruption within the school environment and where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The Orange-Ulster Cooperative Board ("Board") is committed to providing a safe and orderly school environment where students will receive and staff will deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other OU BOCES personnel, parents and other visitors is essential to achieving this goal.

OU BOCES Programs have a set of expectations for conduct on school property, school functions, and under school supervision. These expectations are based on the principles of civility, mutual respect, citizenship, tolerance, honesty and integrity, which are reflective of industry standards and essential to develop a strong character.

The Board recognizes the expectation and responsibility to educate students for appropriate conduct. Our goal is to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary is administered promptly and fairly. To this end, the Board adopts this Student Code of Conduct ("Code") that addresses the mandates of the Project SAVE legislation of July, 2001.

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

III. Definitions

For purposes of this Code, the definitions below apply.

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

Controlled Substance means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.

Cyberbullying means harassment or bullying where such harassment or bullying occurs through any form of electronic communication.

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 is the act against any student, by employees or students on school property, or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse of such a severe nature that:

- (a) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
- (b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

Such conduct shall include but is not limited to threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex; provided nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a persons' gender that would be permissible under Education Law sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

Disruptive Student means a student who substantially interferes with the educational process and/or interferes with the teacher's authority over the classroom.

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.

Chief Operating Officer means the chief operating officer or any individual authorized by the Board to act in that capacity.

Gender means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

Harassment and Bullying shall mean the creation of a hostile environment by conduct or verbal threats, intimidation or abuse 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. The harassing behavior (including verbal threats, intimidation or abuse) may be based on any characteristic, including but not limited to a person's actual or perceived:

- race;
- color;
- weight;
- national origin;
- ethnic group;
- religion;
- religious practice;
- disability;
- sex;
- sexual orientation; and/or
- gender (including gender identity and expression).

For the purpose of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

Illegal Drugs means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

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

Parent means the biological, adoptive, or foster parent, guardian or person of record in parental relation to the student.

Race means a group of persons related by a common descent or heredity and includes traits historically associated with race, including but not limited to, hair texture and protective hairstyles which include, but not be limited to, such hairstyles as braids, locks, and twists. 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.

Removal means the act of a teacher in discontinuing the presence of the student in his or her classroom.

School Administrator is the chief operating officer and/or his/her designee including: assistant superintendents, directors, program principals, and assistant principals.

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).

School Function or Activity 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]).

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

Sexual Orientation means actual or perceived sexuality, including but not limited to heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

Suspension means the act of a building principal, chief operating officer or the Board discontinuing the presence of a student from his/her regular classes.

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

1. Commits an act of violence upon a school employee.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses, displays or threatens to use, while on school property or at a school function, a weapon, such as a gun, knife, explosive or incendiary bomb, or other dangerous instrument that is capable of inflicting physical injury or death.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. 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.
6. Knowingly and intentionally damages or destroys school district property.

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

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

IV. Student Rights and Responsibilities

A. Student Rights

OU BOCES Programs are committed to safeguarding the rights given to all students under state and federal law and OU BOCES Policy. In addition to those rights, all district students have the right to:

1. to attend school in the district in which one's parent or legal guardian resides.
2. to expect that school will be a safe, orderly and purposeful place for all

- students to gain an education and to be treated fairly.
3. to be respected as an individual.
 4. to express one's opinions verbally or in writing, as long as it is done so in a respectful manner.
 5. to dress in such a way as to express one's personality in accordance with the dress code.
 6. to be afforded equal and appropriate educational opportunities.
 7. to take part in all school activities on an equal basis regardless of actual or perceived race, color, creed, weight, religion, religious practice, sex, sexual orientation, gender (gender identity and gender expression), national origin, ethnic group, political affiliation, age, marital status, or disability.
 8. to have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
 9. to be protected from harassment, bullying, cyberbullying and/or discrimination, based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity.
 10. learn appropriate behaviors for the school and work environment.
 11. present their version of the relevant events to school personnel authorized to impose a disciplinary consequence.
 12. access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.
 13. resolve grievances, complaints and concerns in an expeditious, fair and amicable manner, as outlined in the policies: Dignity for All Students Act (#6550), Students with Disabilities (#6500), as well as Career and Technical Education (#7220).
 14. be guided by a discipline policy that is fairly and consistently implemented.

B. Student Responsibilities

All students have the responsibility to:

1. attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
2. be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines and to contribute to the maintenance of a safe and orderly school environment that is conducive to learning.
3. respect one another, and to treat others in the manner that one would want to be treated.
4. express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
5. dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
6. be aware of available educational programs in order to use and develop one's capabilities to their maximum.
7. work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
8. be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
9. respect one another and treat others fairly in accordance with the Student Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, bullying, cyberbullying and/or discrimination. To report and

- encourage others, to report any incidents of intimidation, harassment, bullying, cyberbullying and/or discrimination.
10. acknowledge and accept responsibility for their actions.
 11. conduct themselves as representatives of OU BOCES programs when participating in or attending school-sponsored extracurricular events, and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
 12. comply with OU BOCES internet usage and website policies.
 13. work to the best of their ability in all educational and extracurricular pursuits and to strive toward their highest level of achievement.
 14. respond to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
 15. ask questions when they do not understand.
 16. seek help in resolving problems to avoid disciplinary interventions.
 17. contribute to maintaining a safe and orderly school environment that is conducive to learning and promotes mutual respect and dignity for all.
 18. respect school property (such as lockers, desks, books, etc.) and grounds. Help to keep it free from damage.

V. Essential Partners

The Board recognizes the essential roles of all members of the school community, including parents, students, administrators and principals, teachers, guidance counselors, support staff and other school personnel in promoting a positive, healthy and harassment free environment. Collaboration is essential in promoting and fostering a school environment that promotes tolerance, respect and dignity for all persons within the school community. School administrators, teachers, staff and other school personnel are charged with providing an age appropriate and timely response to discourage and respond to incidents of discrimination and/or harassment on school property or at a school function.

A. Parents

A cooperative relationship between home and school is essential to each student's successful development and achievement. To achieve this cooperative relationship, parents are urged to:

1. recognize that the education of their children is a joint responsibility of parents, school, and community.
2. send their children to school ready to participate and learn.
3. ensure their children attend school regularly and on time.
4. ensure absences are legitimate and accompanied by a note upon the student's return to school.
5. ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. know school rules, their children's responsibilities, and help them to understand their responsibilities so that their children can help create a safe, respectful, supportive school environment.
8. convey to their children a supportive attitude toward education and OU BOCES programs.
9. foster positive relationships through communication with school personnel.
10. help their children develop strategies to effectively manage peer pressure and know when to seek assistance and from whom.
11. inform school officials about any concerns or complaints that may affect

- student conduct or performance in a respectful and timely manner.
- 12. provide a place for learning and ensure homework assignments are completed.
- 13. notify school personnel of changes in phone number, address, or emergency contacts.
- 14. teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
- 15. cooperate with the school in jointly resolving any school related problem.
- 16. educate and supervise children in the misuse of electronic devices that may be used to bully, harass and/or sexually offend others.

B. Teachers and Staff

All OU BOCES program teachers and support staff are expected to:

- 1. maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-concept and promote confidence to learn.
- 2. be prepared to teach.
- 3. demonstrate interest in teaching and concern for students and student achievement.
- 4. adhere to school policies and rules, and enforce them in a fair, timely, and consistent manner.
- 5. communicate to students and parents:
 - a. course objectives and requirements
 - b. marking/grading procedures
 - c. assignment deadlines
 - d. expectations for students
 - e. classroom behavior discipline plan
 - f. student's rights and responsibilities
- 6. communicate regularly and promptly with students, parents and other teachers concerning growth and achievement.
- 7. comply with policy and procedures regarding the sharing of confidential information.
- 8. model behavior being taught in the school and occupation.
- 9. confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
- 10. address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 11. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).
- 12. utilize classroom routines which contribute to the total instructional

- program and to the student's development of civic responsibility.
13. seek to develop close cooperative relationships with parents for the educational benefit of the student.
 14. distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator.
 15. handle individual infractions privately and avoid punishing the group for the misbehavior of one or two.
 16. identify changing student behavior patterns and notify appropriate personnel.
 17. educate students in the misuse of electronic devices that may be used to bully, harass or sexually offend other students.

C. Counselors

All OU BOCES counselors are expected to:

1. assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems and achieve desired outcomes.
3. regularly review with students their behavioral and/or educational progress and career plans.
4. assist students as appropriate with career planning/transition plans.
5. encourage students to benefit from the curriculum and extracurricular programs and activities.
6. assist students to prepare and achieve desired outcomes.
7. notify the principal if a student presents issues that are life threatening to themselves or others.
8. participate in the planning and development of student programs, to enhance and maximize student achievement.
9. comply with policy and procedures regarding the sharing of confidential information.
10. 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, religious practice, disability, sexual orientation, gender (gender identity and gender expression) or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).
12. identify changing student behavior patterns and notify appropriate personnel.
13. educate and assist students in creating a climate of mutual respect and dignity for all students.

D. Nurses

All OU BOCES school nurses and school nurse teachers are expected to:

1. participate in the planning and process development of student programs, to enhance and maximize student achievement in their educational plans.

2. provide a respectful and trustworthy environment for students seeking assistance with medical, social, emotional, or environmental issues of life that impact on their ability to learn, or benefit from their school program.
3. communicate and refer to teachers, counselors, and support personnel, information regarding a student, which may designate them as “high risk” for inappropriate or violent behaviors.
4. provide students with health information, and act as a resource regarding personal health related issues, during episodic visits, mandated screenings, and exams.
5. provide a health service program for students that is comprehensive, accessible, and respectful of the students’ confidentiality needs.
6. participate, organize, and assist in the development of state-mandated health education curriculum for students, and health education program for faculty and staff.
7. follow established medical regimes from community health care providers, and assist students/families to access follow-up activities, to ensure student success in school.
8. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a nurse's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).

E. Para Educators

All OU BOCES para educators are expected to:

1. assist teachers to maintain a climate of mutual respect and dignity, which will strengthen students’ self-concept and promote confidence to learn.
2. demonstrate interest and concern for student achievement.
3. know school policies and rules, and assist in enforcing them in a fair and consistent manner.
4. assist certified staff in supporting the learning environment.
5. model behavior taught in school.
6. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a para educator's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).

F. Psychiatrist

OU BOCES psychiatrists are expected to:

1. participate in consultations with principals, teachers, and support staff to promote greater understanding of the student’s academic and clinical needs to maximize student’s potential.
2. be a resource to staff, as needed, in the development of effective behavioral plans to promote positive student outcomes.
3. comply with the policy and procedures regarding the sharing of confidential information.
4. be an educational resource to staff in promoting a greater understanding of complex mental health issues.

G. School Districts

The home school district will:

1. partner with the staff of OU BOCES to ensure that students' academic and/or vocational programs provide the opportunity for students to reach their maximum potential.
2. provide students with safe transportation to and from OU BOCES campus or satellite programs, while being available to partner in resolving acute disciplinary issues.
3. be available to meet with OU BOCES staff and parents to partner in resolving acute disciplinary issues.
4. upon referral, provide OU BOCES programs with complete academic, medical and psychiatric records (as appropriate) in an effort to assist staff in making programmatic placements to ensure that students have the maximum opportunity to succeed.

H. Administrators

All OU BOCES administrators are expected to:

1. promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation gender (including gender identity and expression), or sex.
2. ensure that students and staff have the opportunity to communicate regularly with the principal and have access to the principal/administrator for redress of grievances.
3. evaluate on a regular basis all instructional programs.
4. support the development of and student participation in appropriate extracurricular activities, and emerging technologies.
5. enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.
6. 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, religious practice, disability, sexual orientation, gender/gender identity and expression, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).
8. develop programs and procedures, which are targeted to reduce student misconduct.

I. Chief Operating Officer

The chief operating officer will:

1. promote a safe, orderly and stimulating school environment, free from harassment, bullying, cyberbullying, and/or discrimination, supporting

- active teaching and learning.
- 2. review with administrators the policies of the Board and state and federal laws and regulations relating to school operations and management.
- 3. inform the Board about educational trends relating to school safety and the Student Code of Conduct.
- 4. work to create instructional programs that promote positive behavior and are sensitive to learner and teacher needs.
- 5. work with administrators in enforcing the Student Code of Conduct and ensuring that all cases are resolved promptly and fairly.

J. Cooperative Board

The Board will:

- 1. collaborate with students, teachers, administrators, parent organizations, school safety personnel and other school personnel to develop a Student Code of Conduct that clearly defines expectations for the students, personnel and visitors on school property, at school functions, or under school supervision.
- 2. adopt and review, at least once a year, the Student Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- 3. appoint a Dignity Act Coordinator in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act. (A complete listing of the OU BOCES Dignity Act Coordinators can be found in Appendix B.)

K. Student Support Service Personnel and Other School Staff

All Student support service and other staff are expected to:

- 1. maintain and encourage a climate of mutual respect and dignity for all students that prohibits harassment, bullying, cyberbullying, and/or discrimination, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity and expression, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 2. report incidents of harassment, bullying, cyberbullying, discrimination, and/or behavior that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that are witnessed or otherwise brought to a staff member's attention, the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner (Harassment, Discrimination and/or Bullying Report Form).

L. Dignity Act Coordinators

Their duties are as follows:

- 1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression)

- or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
 3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
 4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
 5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
 6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
 7. Address personal biases that may prevent equal treatment of all students and staff.

VI. Student Dress Code

All students are expected to give proper attention to personal hygiene and to dress appropriately and professionally for school and school functions. If a uniform is required for the student in their course of study, then students must be prepared with a clean and neat uniform daily.

Students are responsible for acquiring and purchasing school uniforms for their course of study. Financial assistance may be available for extreme hardships. Students and their parents have the primary responsibility for acceptable student dress and appearance. All OU BOCES personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

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

1. be safe, appropriate and not disrupt or interfere with the educational process.
2. recognize that extremely short skirts and shorts and brief garments such as tube tops, net tops, halter-tops, midriff/cropped tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. ensure that underwear is completely covered with outer clothing.
4. include appropriate footwear at all times. Approved footwear will be required in certain designated programs. (Footwear that is a safety hazard will not be allowed.)
5. **NOT** include the wearing of hats in the classroom except for pre-approved medical or religious purposes.
6. **NOT** include items that are vulgar, obscene, libelous, or that denigrate others based on age, ancestry, color, creed, disability, genetic predisposition or carrier status, marital status, military status, national origin, pregnancy, political affiliation, race, religion, sex, sexual orientation, gender (gender identity and gender expression) veteran status, or any other legally protected status.
7. **NOT** promote and/or endorse the use of alcohol, tobacco/nicotine, or illegal drugs and/or encourage other illegal or violent activities.
8. **NOT** include the wearing of skirts, dresses, shorts or "skorts" that are higher than mid-thigh.
9. **NOT** include sharp accessories, hanging straps or chains.
10. **NOT** include the wearing of jackets or outer coats in the classroom.
11. **NOT** include gang-related and/or what can be interpreted as gang-related apparel.
12. Wear masks/appropriate face covering as required by school

administrators on all OU BOCES properties.

The principal shall be responsible for informing students and their parents of the Student Dress Code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the Student Dress Code may be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall meet with the principal or his/her designee. Repeat offenders will be considered insubordinate and may be subject to disciplinary consequences.

VII. Prohibited Student Conduct

The Board expects students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community. They are also expected to conduct themselves appropriately with regard to the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. Personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may learn from their behavior and growth in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function, specific and clear. The rules of conduct listed below are intended to do that and focus safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to progressive disciplinary action, depending upon the severity of the incident. These actions may range from reminders and instruction up to suspension from school, when they:

- A. engage in conduct that is violent. Examples of violent conduct include but are not limited to:
 1. commit or threaten an act of violence (such as hitting, kicking, biting, spitting, punching, hair pulling, and scratching) upon a teacher, administrator, another student or any other person lawfully on school property;
 2. possess a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function;
 3. display what appears to be a weapon;
 4. threaten to use any weapon or object as a weapon;
 5. threaten to cause bodily harm or injury;
 6. intentionally or recklessly damage or destroy the personal property of a teacher, administrator, student, other district employee or any person lawfully on school property, including graffiti or arson;
 7. intentionally or recklessly damage or destroy school property on or off-campus (includes graffiti);
 8. participate in gang activity/wearing gang related identifying clothing, apparel, or related items; and/or
 9. engage in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.

- B. Engage in conduct that is disruptive or prevents the peaceful and orderly conduct of classroom instruction and/or normal operations of the school. Examples of disruptive conduct include but are not limited to:
1. failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students;
 2. being late for school or class;
 3. being unprepared for class;
 4. inappropriate use of educational materials;
 5. throwing objects in class or shop, cafeteria, hallways, or on school grounds;
 6. chronic talking;
 7. using, possessing, selling or exchanging alcohol, tobacco, electric cigarettes or illegal substances on school grounds and at school sponsored events;
 8. *using cellular telephones for purposes of placing or receiving calls, texting or disseminating materials harmful to others, including but not limited to cyberbullying, “sexting” or otherwise inappropriate in content;
 9. *using cellular phones or other devices for unauthorized audio, visual or other digital recordings;
 10. *The same standards of acceptable student conduct, which apply to any school activity, shall apply to the use of electronic audio or visual devices. Unacceptable behavior includes, but is not limited to cyberbullying, or any other unsafe or harmful on-line behavior.

*Note: In the case of digital, cellular or electronic devices, such devices may be used for authorized instructional purposes.

- C. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
1. failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating belligerence or disrespect;
 2. lateness for, missing or leaving school or class without permission;
 3. refusing to participate in assigned alternative instruction;
 4. skipping or disregarding an assigned detention or other disciplinary consequence;
 5. forgery of parent permission, or such documents;
 6. pass misuse, including forgery of signatures;
 7. refusing to wear a mask where required, unless the student has a valid excuse.
- D. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
1. Running or otherwise unsafe behavior in hallways/classrooms/cafeteria or spaces where such behavior is not appropriate;
 2. making unreasonable noise;
 3. using language or gestures that are profane, lewd, vulgar, abusive or bullying which include but no limited to, epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practices, gender, gender identity and expression, sex, sexual orientation, age or disability;
 4. obstructing vehicular or pedestrian traffic;
 5. engaging in any willful act, which disrupts the normal operation of the

- school community;
 - 6. wandering or trespassing in any school building, or area other than the one they regularly attend, without permission from the administrator in charge of the building;
 - 7. driving on campus recklessly;
 - 8. NOT following classroom, shop and pool safety rules;
 - 9. computer/electronic communication misuse including any unauthorized use of computers, software or internet/internet account, accessing inappropriate websites, or any other violation of OU BOCES Acceptable Use Policy;
 - 10. use of video/audio devices, including cell/camera phones, recorders, digital cameras and other electronic devices unless under the direction of authorized school personnel for the purpose of instructional activities;
 - 11. intentionally or recklessly damaging or destroying the personal property of a student, teacher, administrator, other district employee, or any person lawfully on school property (includes graffiti);
 - 12. intentionally or recklessly damaging or destroying school property (includes graffiti);
 - 13. harassment.
- E. Engage in any gesture or written, verbal or physical act (including harassment, intimidation or bullying) that takes place on school property or at any school sponsored function that:
- 1. is motivated by any actual or perceived legally protected characteristic: or
 - 2. by any other distinguishing characteristic: and
 - 3. a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property: or
 - 4. Whether the communication is initiated on or off school property, where the communication at issue has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.
- F. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include but are not limited to the conduct below.
- 1. Attempting to engage in or perform an act of violence noted in Section A.
 - 2. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
 - 3. Lying to any school personnel.
 - a. not being truthful with school personnel
 - b. withholding information or obstructing any investigation in process
 - 4. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
 - 5. Acts of sexual harassment as defined in OU BOCES sexual harassment policy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.

6. Selling, using, distributing, or possessing obscene material.
7. Possessing or using any tobacco product including smoking a cigarette, cigar, and pipe or using chewing or smokeless tobacco, or using e-cigarettes or inhaled vapor products.
8. Possessing, consuming, selling, distributing, offering, manufacturing, attempting to sell or exchanging alcoholic beverages, drugs, illegal or controlled substances, including but not limited to inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any synthetic version thereof, whether specifically illegal or not, substances commonly referred to as "designer drugs" which are substances designed and synthesized to mimic the intended effects and usages of, which are chemically substantially similar to, illegal drugs, which may or may not be labeled for human consumption, other substances such as dietary supplements, weight loss pills, etc., or possessing or consuming (without authorization). This also includes inappropriately using or sharing prescription and/or over-the-counter drugs.
9. Initiating a report or warning of fire, threats of school shootings, or other catastrophe without valid cause, including misuse of 911, discharging a fire extinguisher, initiating a false alarm, making bomb threats or pulling fire alarms.
10. Participating in gang activity/wearing gang-related identifying clothing, apparel or related items.
11. Discrimination which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation weight, or disability to deny rights, equitable treatment, or access to facilities available to others.
12. Harassment (or Bullying), is the creation of a hostile environment by conduct or threats, intimidation, or abuse.
13. "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school, or infringes upon the general health, safety and welfare of students or employees.
14. Knowingly making false or inappropriate statements or representations about an individual or identifiable group or individuals that harm the reputation of their persons or group by demeaning them.
15. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily or psychological harm.
16. 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.
17. Using vulgar or abusive language, cursing or swearing.
18. Possession and/or use of prohibited items on school grounds including pocket knives, lighters, matches, laser pointers, fireworks, smoke bombs, stinkbombs, snappers/poppers, weapon facsimiles including fake ammunition, etc.
19. Gambling.
20. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
21. Inappropriate public displays of affection.
22. Tampering with fire alarms or Automated External Defibrillators.
23. Subjecting other students, school personnel, or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct that creates substantial risk of

- injury.
24. Unauthorized skateboarding, rollerblading or stunt-bicycle riding on school property.
- G. Engage in computer/electronics communications misuse.
1. Use of the internet, telephones, cell phones or other technological means to threaten, harass or denigrate other students or school personnel is prohibited.
 2. OU BOCES will not be held responsible for the loss and/or theft of any portable electronic device.
 3. Elementary/Middle School – The use of an electronic device during the school day is strictly prohibited and, upon discovery, will be confiscated. Upon receiving prior approval from the building principal, a student may use a technological device that is congruent with the student’s educational program. Users shall not use system resources for any non-instructional purpose, but not limited to: personal instant messaging (chatting, text and video messages), social networking sites (e.g., Facebook, Twitter, Pinterest), inappropriate apps, online shopping, online gaming or personal use of streaming media such as online radio stations, music videos or video broadcasts.
 4. High School – The use of electronic devices such as, but not limited to, smartphone/cell phones, personal music devices and pagers are not permitted in class or during emergency situations or drills without the permission of a staff member.
 5. Any unauthorized use of computer software or internet/intranet account, accessing inappropriate websites, sharing of passwords, downloading of non- educational material, altering and/or tampering with the computer system and/or computer setting or any other violation of OU BOCES acceptable use policy.
- H. Assist or engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. plagiarism;
 2. cheating;
 3. copying; and/or
 4. altering records.
- I. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the school or a school function. Such conduct includes, but is not limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying

VIII. Reporting Violations of the Code of Conduct

Students, teachers and other OU BOCES personnel are encouraged to report any violation of the Code of Conduct to the building principal or, in his/her absence, the acting designee. Teachers and other OU BOCES personnel shall immediately report violent students to the building principal, director, chief operating officer, or designee.

OU BOCES will report any acts of violence against persons that constitute a felony or misdemeanor and other violations of the Code of Conduct, which constitute a misdemeanor or felony to the appropriate local law enforcement agency. When necessary, OU BOCES will file a complaint in criminal court against the alleged perpetrator.

OU BOCES will report any violations of the Code of Conduct, which constitute a crime when the student is under the age of 16, to the appropriate human services agencies. When

necessary, the district will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, or any OU BOCES administrator. Any weapons, alcohol, or illegal substance found, shall be confiscated by staff immediately. This will be followed by notifying the parent of the student. The appropriate disciplinary action will be taken up to, and including, suspension and referral for prosecution.

The principal must notify the appropriate local law enforcement agency of those Code of Conduct violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification may be made by telephone, followed by written notification on the same day as the telephone call is made. The notification must identify the student(s) and explain the conduct that violated the Student Code of Conduct and constitute a crime. However, such notifications may only be done to the extent they do not violate the Family Educational Rights and Privacy Act.

The principal, superintendent, or designee must promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, cyberbullying or discrimination constitutes criminal conduct.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District 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.

Non-Retaliation for Reporting or Participating in an investigation when acting in good faith.

Any act of retaliation against any person who reports or has filed a complaint of harassing or discriminatory behavior, is strictly prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination, as applicable.

Employee victims also have the right to register complaints with the Federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

In addition, all complainants; those who participate in the investigation of a complaint in conformity with state law and district policies, or who are required to testify, participate or assist in the investigation procedure shall be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

IX. Disciplinary Procedures and Penalties

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, reasonable 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 and learn socially acceptable behaviors.

As OU BOCES utilizes cameras to maintain a safe and secure learning environment, the video footage may be used when incidents require disciplinary action.

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:

1. the student's age;
2. the nature of the offense and the circumstances, which led to the offense;
3. the student's prior disciplinary record;
4. the effectiveness of other forms of discipline;
5. information from parents, teachers and/or others, as appropriate;
6. other extenuating circumstances; and
7. the student's disability.

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter consequence than subsequent violations. If the conduct of a student is related to a disability, or suspected disability, the student shall be referred to the Committee on Special Education or Section 504 Committee, and disciplined as appropriate. Discipline for students with disabilities shall be administered consistent with the separate requirements of this Code of Conduct for disciplining student with a disability. A student identified as having a disability shall not be disciplined for behavior which is a manifestation of his/her disability except as explained in Section XI herein.

Disciplinary Consequences/Remediation

Even with prevention and education, instances of discrimination or harassment may still occur. Should such an instance arise, the individual engaging in the harassing or discriminatory conduct must be advised that their actions and conduct will not be tolerated and that their behavior must be changed immediately. Students who engage in harassing or discriminatory conduct will receive guidance on making positive choices and support to understand how their actions have negatively impacted other student(s) and must not continue. As appropriate, disciplinary action will be taken by the building principal or other authorized administrator in accordance with the district's Code of Conduct. If the discriminatory or harassing behavior rises to the level of criminal activity, law enforcement will be contacted.

Progressive discipline consequences will be considered in response to instances of discrimination or harassment and the individual imposing consequences shall consider the nature and severity of the misconduct, the developmental age of the student, and the student's history of problem behaviors, prior interventions and the student's response must be imposed in a manner consistent with the district's Code of Conduct.

In addition to disciplinary measures, remedial responses should be considered to discern why the discrimination or harassment occurred and should be targeted to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remedial measures may be appropriate on an individual or school-wide basis, depending on the nature of the underlying misconduct.

A. Penalties

Students who are found to have violated the Student Code of Conduct may be subject to the following penalties, either alone or in combination with one another.

The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's rights to due process.

1. Verbal warning – teacher/student conference, parent contact, in-class time out, brief time out of class, loss of classroom privilege – any member of the school staff.
2. Written warning – teacher, coaches, school counselors, principal or his/her designee.
3. Verbal notification to a parent – coaches, school counselors, teachers, principal or his/her designee.
4. Written notification to a parent – coaches, school counselors, teachers, principal or his/her designee.
5. Alternative setting for instruction – teachers, clinical or work supervisors, principal or his/her designee.
6. Suspension from transportation – home school district administration.
7. Suspension from extracurricular activities – home school district, principal or his/her designee.
8. Suspension from parking privileges – principal or his/her designee.
9. Suspension of other privileges – principal or his/her designee.
10. Removal from class – teacher, principal or his/her designee.
11. Short-term (five days or less) suspension from school – principal or his/her designee.
12. Long-term (more than five days) suspension from school – chief operating officer or home school district.
13. Removal from Program - home school district.
14. Permanent suspension from Program – home school district.
15. Referral to law enforcement or judicial authorities - principal or his/her designee, director, chief operating officer, or home school district.
16. In-school suspension – principal or his/her designee.
17. Referral to Orange County services – principal or his/her designee.
18. Confiscation of banned devices – any member of OU BOCES staff.

B. OU BOCES Due Process Procedure

In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must let the student know what misconduct the student is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. Students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty. Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents, or detention, are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention
Teachers, principals, assistant principals and the chief operating officer may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.
2. Suspension from OU BOCES Contracted/Provided Transportation
If a student does not conduct him/herself properly on a bus, the bus driver is expected to bring such misconduct to the building administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the home district principal, building administrator and/or chief operating officer.

In such cases, the student's parent will become responsible for making sure his or her child gets to and from school safely. Should the suspension from

transportation amount to a suspension from attendance, the OU BOCES will make appropriate arrangements to provide for the student's education.

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

3. Suspension from Athletic Participation, Extra-Curricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-School Suspension

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes the building principals, assistant principals and the chief operating officer to place a student who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension". "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214.

5. Removal of a Student from the Classroom

OU BOCES has determined that certain acts of misconduct interfere with instruction and/or safety and welfare of students and staff. Although some incidents of misconduct may require removal from the classroom or suspension from school, efforts will be made to deal with misconduct without removal from the classroom or suspension from school. This is in keeping with the goal of avoiding consequences that interrupt or interfere with learning. However, no child will be allowed to continue disrupting the instruction of the class or interfering with the safety of the school, its staff, students and visitors.

Time honored classroom management techniques such as speaking to a student in the hallway, short term break in a classroom, or sending a student to the counselor or the principal to give a student the opportunity to regain his/her composure do not constitute disciplinary removals for purposes of this code.

In accordance with the provisions of the SAVE Legislation, teachers shall have the authority to remove a student from their classroom for up to 5 days whenever the student *substantially disrupts* the educational process or substantially interferes with the teacher's authority over the classroom. "*Substantially disruptive*" shall mean that the course of instruction has to be discontinued more than momentarily such that it breaks the continuity of the lesson. To address the disruptive conduct of the student who "*substantially interferes*" with the teacher's authority over the classroom shall mean that:

the student has been insubordinate to the teacher in the presence of the class and has failed to obey at least two of the teacher's directives to cease and desist.

If the disruptive student does not pose a danger or ongoing threat to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed.

Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger to himself or others or ongoing threat of disruption, the teacher may order the student to be removed immediately and the student should be referred to the administration. If the student presents an ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

Notwithstanding the above, in light of circumstances that warrant suspension, a principal's suspension for substantially disruptive behavior may be implemented, in addition to, or in lieu of, removal of the student from the classroom by the teacher.

Prior to a teacher's removal of a disruptive student, the teacher shall:

- speak to the student about the inappropriateness of the disruption;
- warn student of the consequences of the disruption; and
- assign a consequence for disruption.

As a pattern of disruption emerges, the teacher will:

- utilize building level resources and interventions;
- refer to appropriate staff (counselor, administrator, psychologist);
- verify with CSE member/ PPS administrator that a removal will not violate the rights of the classified student; and
- warn student and contact parent regarding the removal upon the next incident.

OU BOCES shall provide continued educational programming and activities for students who are removed from their classrooms. An appeal brought by the parent, or student over the age of 18, of a home school principal removal decision must be presented to the home school superintendent prior to any further appeal.

6. Suspension from School

Suspension from school is a severe penalty which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The primary responsibility for the suspension of students lies with the building principal and in collaboration with the home school principal or designee. Any staff member may recommend to the chief operating officer, his/her designee, or building principal, and where appropriate, the home school administrators that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the chief operating officer for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

There are three categories of suspensions from home school districts,

described below.

Short term (5 days or less) suspension from school: When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension, at the last known address for the parents.

Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witness under such procedures as the principal may establish. The principal shall promptly advise the parents in writing of his/her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the chief operating officer within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. If not satisfied with the decision of the chief operating officer, they must file a written appeal to the Board submitted to the district clerk within 10 business days of the date of the chief operating officer’s decision. All appeals to the Board must be made in writing and submitted to the district clerk within 30 business days of the date of the superintendent’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Long-term (more than five days) suspension from school— When the Superintendent determines that a suspension for more than five days may be warranted, he/she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf. The chief operating officer shall personally hear and determine the proceeding or may, at his/her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendation as to the appropriate measure of discipline to the chief operating officer. The report of the hearing officer shall be advisory only, and the chief operating officer may accept all or any part thereof. An appeal of the superintendent’s decision may be made to the Board. The Board will make its decision based solely upon the record before it. All appeals to the Board must be made in writing and submitted to the District Office within 30 business days of the date of the chief operating officer’s decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part, the decision of the chief operating officer. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

Permanent suspension— Permanent suspension is reserved for extraordinary circumstances such as where a student’s conduct poses a life-threatening danger to the

safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school—any student, other than a student with a disability, found guilty of bringing a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing physical injury or death onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The home school Superintendent has the authority to modify the one-year suspension on a case- by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the following:
 - the student’s age;
 - the student’s grade in school;
 - the student’s prior discipline record;
 - input from parents/teachers or others;
 - superintendent’s belief that other forms of discipline may be more effective;
 - other extenuating circumstances.

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

The home school superintendent is required to refer students over the age of 16, or any student 14 or 15 years old who qualifies for juvenile offender status, to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun, or loaded firearm (as defined in §265.00 of Penal Law) on school grounds (as defined in §220.000(14) of the Penal Law) qualifies for juvenile offender status under §1.20 of the Criminal Procedure Law.

2. Students who commit violent acts other than bringing a weapon to school—Any student who is found to have committed a violent act, other than bringing a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student’s parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds a five-day suspension, the student and the student’s parents will be given the same notice an opportunity for a hearing given to all students subject to a long-term suspension. The home school superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.
3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher’s authority over the classroom may be removed from the classroom and shall be subject to a minimum suspension of five days. If the proposed penalty exceeds a five-day suspension, the student and the student’s parent will

be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The home school superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the home school superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals- including outside agencies

1. Counseling

The school counselors, school social worker, psychologist or student assistance counselor shall handle all referrals of students for counseling services upon the recommendation of school administrators.

2. Juvenile Delinquent and Juvenile Offenders

For students found to have brought either a weapon (defined in 18 USC §930(g)(2) or firearm (defined in 18 USC §921), the home school superintendent and/or designee is required to make the following referrals:

a. To the County Attorney for a juvenile delinquency proceeding before the Family Court:

- All students under the age of 16, except students age 14 or 15 who qualify for a juvenile offender status under the Criminal Procedure Law §1.20(42).

b. To the appropriate law enforcement authorities:

- All students age 16 and older, and all students age 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42)

3. Threats Against BOCES

- Pursuant to Penal Law 240.78 (Threat of Mass Harm) threats by students against institutions, such as BOCES, even when there is no intent or ability to carry out the threat may be punishable as a crime. BOCES will refer such matters to the appropriate law enforcement agency.
- Pursuant to Penal Law 240.79, (Aggravated Threat of Mass Harm) threats made by students against an institution, such as BOCES where the student has also engaged in an overt act in commission of the crime (e.g., making a plan, compiling a list of targets, obtaining a weapon etc.) may also be punishable as a crime. BOCES will refer such matter to the appropriate law enforcement agency.

As a reminder, a dangerous weapon under 18 USC §930(g)(2) is: any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except for a pocket knife with a blade less than 2 1/2 inches long.

A firearm under 18 USC §921 is: any weapon which will, or is designed to, or may readily be converted to expel a projectile by an explosive; or the frame or receiver of such weapon, or any firearm muffler or silencer; or any destructive device (e.g., bomb, grenade, rocket missile, mine, etc.); however, this does not include antique firearms (e.g., those from 1898 or prior, or certain replicas).

F. Appeals Process

The decision of the home school Superintendent with respect to the findings of fact sustaining charges in a long-term suspension hearing and/or penalty determination shall be subject to appeal (or may be appealed) to the Board. The Board shall review the record of the proceedings before the home school superintendent or his/her designated hearing officer, including a review of the transcript of the proceedings, documentary evidence and written arguments of the representatives of the respective parties, if any.

The Board will not provide the representatives of the respective parties with the opportunity either to present evidence not previously in the record or to make arguments in person before the Board.

G. Field Trips

Field trips are designed to supplement and enrich ongoing instruction in the classroom. Though field trips are made available to all students, there might be instances in which some students will not be allowed to participate. The safety of our students is our utmost priority. School districts may suspend or exclude students from extracurricular activities.

Students who (1) demonstrate repeated violations to the Student Code of Conduct that endanger the general safety, morals, health, or welfare of students and staff; (2) are substantially disruptive of the educational process; and (3) substantially interfere with a teacher's authority over the classroom, may lose the privilege of attending the next scheduled field trip due to misbehavior. Any exclusion of a student from a field trip will be subject to administrative review. An administrator will make the final decision as to whether a student will be excluded from a field trip based on recent disciplinary referrals. If the conduct which formed the basis of the student's referral(s) is found to be a manifestation of a student's disability, they will not be excluded from the field trip because of such conduct.

X. Alternative Instruction

When a student of any age is removed from the class by a teacher or a student of compulsory attendance age is suspended from the school pursuant to Education Law 3214, the home district will take immediate steps to provide alternative means of instruction for the student. In addition, alternative instruction will be made available to any student, over the compulsory attendance age, who presents a sincere desire to complete his/her high school education.

XI. Discipline of Students with Disabilities Suspension of Students with Disabilities

In the event that a student has a known disability or when school officials can be deemed to know, in accordance with law, that a student has a disability, the home district will first proceed to conduct a §3214 disciplinary proceeding for any suspension of more than five days. The §3214 disciplinary proceeding will be held in two parts: first to determine the student's guilt or innocence on the charges and the second to determine the penalty. If guilt is determined on a violation of a provision of the home district's Code of Conduct, before a penalty may be imposed, the following rules shall apply:

504/ADA Disability

For a student solely with a disability under 504 of the Rehabilitation Act of 1973 (hereinafter referred to as (504)/Title II of the Americans with Disabilities Act (hereinafter referred to as the "ADA"), the 504 multi-disciplinary committee must make a determination regarding whether the conduct underlying the charges was a manifestation of the student's disability.

1. If a nexus is found between the disability and the conduct, no additional discipline shall be imposed and the record of discipline imposed to date

- shall be expunged.
2. If no nexus is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the §3214 hearing officer. A change in placement; i.e. a suspension, removal or transfer, in excess of 10 school days must be preceded by notice and an evaluation conducted by the 504 team.
 3. Students with a recognized 504/ADA disability who are known to be currently using or found to be in possession of illegal alcohol or drugs may be disciplined, regardless of their disability status in the same manner and to the same extent as non-disabled students.

IDEA Disability

For students classified or presumed to have disabilities under the Individuals with Disabilities Education Act (hereinafter referred to as "IDEA", a student with an educational disability), a Manifestation Team must make a Manifestation Determination prior to a student's suspension for 10 or more consecutive school days or prior to a suspension of 10 days or less, if it has been determined that a suspension for less than 10 consecutive school days would constitute a disciplinary change in placement.

A series of suspensions that are each 10 days or less in duration may create a pattern of exclusions that constitutes a disciplinary change in placement. That determination will be made on a case-by-case basis in accordance with applicable law and regulation. Among the factors considered in making this determination are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

A student shall be presumed to have a disability if prior to the time the behavior occurred:

1. the student's parent/guardian has expressed, in writing, to supervisory or administrative personnel of the school or to a teacher of the student that the student is in need of special education, provided that such notification may be oral if the parent does not know how to write or has a disability that prevents a written statement; or
2. the student's parent has requested an evaluation of the student; or
3. a teacher of the student or other personnel of the district has expressed specific concern about a pattern of behavior demonstrated by the student to supervisory personnel in the home district in accordance with the home district's child-find procedures.

A student shall not be presumed to have a disability for discipline purposes, despite satisfaction of one or more of the above criteria, if:

1. the student's parents have not allowed a relevant evaluation of the student by the Committee on Special Education (CSE);
2. the student's parents have refused special education services; or
3. it was determined by the CSE or Committee on Preschool Special Education (CPSE) that the student is not a student with a disability; or
4. it was determined that an evaluation was not necessary and the district provided appropriate notice to the parents of such determination.

Manifestation Determinations

A Manifestation Team, which shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members or the Committee on Special Education as determined by the parent and the school district. The parent must receive written notification prior to any Manifestation Team meeting to ensure that the parent has an

opportunity to attend and to inform the parent(s) of their right to have relevant members of the CSE participate at the parent's request.

When making a manifestation determination, the Manifestation Team shall review all relevant information in the student's file including the student's IEP, any teacher observations and any relevant information provided by the parents to determine if:

1. the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or
2. the conduct in question was a direct result of the school district's failure to implement the IEP.
3. either of the aforementioned criteria listed as "a" and "b" above are answered affirmatively, the conduct in question shall be deemed to be a manifestation of the student's disability. When the Manifestation Team determines that the conduct in question was a manifestation of a student's disability, the CSE shall meet to recommend and conduct a functional behavioral assessment and implement a behavior intervention plan in accordance with 201.3 and 201.4(d)(2)(a) of the Commissioner's Regulations.

A meeting for the sole purpose of making a manifestation determination does not require five calendar days' notice to the student's parent/guardian. However, if the CSE meets to consider a change in placement in conjunction with the manifestation determination, the five-day notice requirement of 200.5(a)(3) of the Commissioner's Regulations is applicable and parental participation in all CSE meetings is expected and strongly encouraged.

Discipline of students with Disabilities When the Manifestation Team Has Made an Affirmative Manifestation Finding

When an educationally disabled student's conduct is a manifestation of the child's disabling condition, a student classified under IDEA may only be suspended from school for more than 10 consecutive school days, if one of the following applies:

1. The CSE recommends a change in placement on the student's Individualized Education Plan (IEP) and/or Behavior Intervention Plan (BIP) and the parent/ guardian or eighteen-year or older student consents to such change in writing following receipt of their Procedural Safeguards Notice.
2. A court order or order from an impartial hearing officer of suspension/removal of a dangerous student pursuant to 201.8 of the Commissioner's Regulations is obtained.
3. The violation involves weapons, drugs, or infliction of serious bodily injury.

Suspensions for Misconduct Involving Weapons and/or Drugs and/or Serious Bodily Injury

A student classified or deemed to be known as having an educational disability under IDEA may be suspended and placed in an Interim Alternative Educational Setting (IAES) for up to 45 school days (less if the discipline is for a non-disabled student would be less), if the student is found guilty of: 1) carrying or possessing a weapon while at school, on school property or at a school function; 2) knowingly possessing or using illegal drugs, or selling or soliciting the sale of

a controlled substance while at school, on school premises or at a school function; or 3) inflicting a serious bodily injury to another person while at school or a school function.

1. The term "weapon" means "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of

- causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2-1/2 inches in length."
2. The term "illegal drugs" means controlled substances but not those legally possessed or used under the supervision of a licensed health care professional or other permitted authority under the Federal Controlled Substances Act or under any other provision of Federal law. Controlled substances are drugs and other substances identified under schedules set forth in applicable Federal law provisions.
 3. The term "serious bodily injury" means bodily injury, which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
 4. Before a student is suspended and placed in an IAES for up to 45 school days for behavior involving weapons and/or drugs and/or serious bodily injury, the Manifestation Team must conduct a manifestation determination. Placement in an IAES as a result of conduct involving weapons and/or drugs and/or serious bodily injury is not contingent upon a Manifestation Team determination that the misconduct is not related to the student's disability.
 5. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend functional behavioral assessment and behavior intervention, or review any such pre-existing, plan for modification; and
 6. A CSE shall determine and recommend an IAES reasonably calculated to enable the child to continue to receive educational services, participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Dangerous Students

To continue the suspension of a student classified or deemed to be known as having an education disability under IDEA for more than 10 consecutive school days, at OU BOCES request, the home district may commence an expedited hearing before a special education impartial hearing officer to demonstrate that a student is dangerous and is substantially likely to cause injury to him/herself or others if returned to his/her last agreed upon placement. An impartial hearing officer may order the placement of the student in an IAES for up to 45 school days in accordance with 201.8 and 201.11 of the Commissioner's Regulations.

1. The Manifestation Team must still conduct a manifestation determination within 10 consecutive school days of the initial disciplinary action.
2. If the student is or may be placed in an IAES, the CSE shall, as appropriate, recommend a functional behavioral assessment and behavior intervention plan, or review any such pre-existing, plan for modification; and
3. An impartial hearing officer's determination allowing a student's placement in an IAES as a result of dangerous behavior, it is not contingent upon a Manifestation Team's determination that the misconduct is not related to the student's disability.

Discipline of Students with Disabilities When the Manifestation Team Has Made No Manifestation Finding

Where a student with a disability's conduct is found not to be a manifestation of his/her disability he/she may be disciplined in the same manner and to the same extent as non-disabled students. In such instances, the CSE shall meet upon proper notice to determine any appropriate evaluations, which must be performed, changes to a student's IEP and to recommend an appropriate IAES where the child can continue to receive educational

services, although in another setting, that enable the child to participate in the general curriculum and progress toward meeting IEP goals and objectives during the period of suspension from instruction.

Pendency Placement

An IAES shall be deemed the student's "stay put placement" for up to 45 school days, during the pendency of any expedited due process proceedings commenced by parents to contest:

1. a finding that a student is not presumed to have a disability, and/or
2. a finding that the student's misconduct was not a manifestation of the student's disability, and/or
3. a decision to place a student in a CSE recommended IAES for misconduct involving weapons and/or drugs and/or serious bodily injury, and/or
4. the decision of an impartial hearing officer in a dangerousness hearing and/or
5. the appropriateness of an IAES program recommended by the CSE in the context of one of the four categories of action listed above.

Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations: OU BOCES may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student's placement. The chief operating officer and/or designee shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted for consideration to the appropriate authorities to whom a crime is reported.

XII. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing or disciplining and shall not be used against a student by any teacher, administrator, officer, employee or agent of OU BOCES.

However, if alternative procedures and methods, which would not involve physical force, do not work, then the use of reasonable physical force is not prohibited for the reasons below.

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

Such interventions shall only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed. They shall not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify or eliminate a targeted behavior.

Whenever a school employee uses physical force against a student, the school employee shall immediately report the situation to his/her principal/supervisor. The principal/supervisor shall, within the same school day, make a report to the director describing in detail the circumstances and the nature of the action taken.

OU BOCES will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with commissioner's regulations.

XIII. Student Searches and Interviews

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

In addition, the Board authorizes OU BOCES officials, such as the chief operating officer, principal, school nurses, or the designee of an administrator, to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the Student Code of Conduct. An authorized school official may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search. An authorized school official may search a student or the student’s belongings based upon information received from a reliable informant. Individuals other than OU BOCES employees will be considered reliable informants, if they have previously supplied information that was accurate and verified; they make an admission against their own interest; they provide the same information that is received independently from other sources; or they appear to be credible and the information they are communicating relates to an immediate threat to safety. OU BOCES employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Whenever possible, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks, and other School Storage Places

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

B. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the Code of Conduct. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student’s cooperation to search the cell phone further.

C. Documentation of Search

OU BOCES officials such as the chief operating officer, principal, or designee shall be responsible for promptly recording the following information about each search:

1. name, age and grade of student searched;
2. reasons for the search;
3. name of any informants;
4. purpose of search (that is, what item(s) were being sought);
5. type and scope of search;
6. person conducting the search and his/her title and position;
7. witnesses, if any, to the search;
8. time and location of the search;
9. results of the search (that is, the item(s) found);

10. disposition of items found; and
11. time, manner and results of parental notification.

The principal or his/her designee shall be responsible for the custody, control, and disposition of any illegal or dangerous items taken from a student. The principal or his/her designee shall retain control of the items, unless the items are turned over to the police. The police and/or principal or designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interviews of Students

OU BOCES officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials and other law enforcement authorities who are assigned to work exclusively in school buildings as a school resource officer (SRO) may search or interview students on school property or at school functions if they possess a reasonable suspicion that an act has been committed which violates the Code of Conduct or may constitute a crime.

When investigating a crime with the intent to take custody of the student, police officials and other law enforcement officials who are not assigned exclusively to work in school buildings (non-SRO law enforcement official) may enter school property or a school function to initiate a search or question a student only if they have:

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

Before non-SRO law enforcement officials are permitted to initiate a search or question or search any student under the age of 16 in connection with a crime, the principal or designee must first arrange to immediately notify the student's parent or other person legally responsible for the student's care by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parent or other person legally responsible for the student's care, to give that individual the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent may be informed of the questioning or search, in writing, by the principal or designee as soon thereafter as possible. The principal or designee shall also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by non-SRO law enforcement officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

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

B. Child Protective Services Investigations

OU BOCES is committed to keeping students safe from harm and recognizes the obligation of school officials as mandated New York State reporters. Any staff member having reasonable cause to suspect child abuse or maltreatment is required to report their concerns to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) and then immediately notify the building administrator. OU BOCES will cooperate with the local Child Protective Services worker who wishes to conduct interviews of the student on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by the Child Protective Services to interview a student on school property shall be made directly to the principal or his/her designee. The principal or his/her designee shall:

1. set the time and place of the interview.
2. decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.
3. decide if the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing, the school nurse or other OU BOCES medical personnel must be present during that portion of the interview. No student may be required to remove his/her clothing in front of a Child Protective Services worker or OU BOCES official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to immediate harm if he or she were not removed from school before a court order can reasonably be obtained.

C. Temperature Checks

In keeping with OU BOCES commitment to promoting a safe learning environment, authorization is given for school administrators, school health personnel, or their designee to take a student's temperature or additional testing upon entry into a school building and at all school sponsored events and activities, whether conducted on or off school grounds, when required by a state or federal law, regulation, or executive order.

Should temperature checks be required by a state or federal law, regulation or executive order, OU BOCES reserves the right to require, as a condition of attendance at school or school sponsored events and activities, that a student's temperature be taken upon entry into the school building. Consent by the student and the parent to such testing is confirmed by acknowledgment of the student's receipt of the Code of Conduct. Students who do not cooperate, or whose temperature exceeds allowable limits, will be required to leave school or the activity immediately in the custody of his/her parent or guardian.

XIV. Visitors to the School

The Board encourages parents and other citizens to visit OU BOCES programs to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The principal is responsible for all persons in the building and on the grounds. For these reasons, the rules below apply to visitors to the school.

1. Anyone who is not a regular staff member or student of the school will be considered a "visitor."
2. All visitors to the school must report to the office of the principal or "greeter" at the school. There they will be required to produce a Driver's License (or other state issued ID) that will be screened for registered sex offenders, domestic dispute offenders and other trespassers. Visitors will sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds.
3. When required by a state or federal law, regulation, or executive order, visitors must have their temperature taken and will be asked to leave the premises if their temperature exceeds allowable limits.
4. Visitors attending school functions that are open to the public, such as parent- teacher organization meetings or public gatherings that occur outside of the student day, are not required to register.

5. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
6. Visitors should be encouraged to make appointments with staff to discuss individual matters.
7. Any unauthorized person on school property will be reported to the principal. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this Student Code of Conduct.

XV. Public Conduct on School Property

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

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

The Board recognizes that the primary purpose of OU BOCES is to provide a superior atmosphere for learning and education. Any action by an individual or group(s) aimed at disrupting, interfering with or delaying the education process, or having such effect, is prohibited. The Board also recognizes its responsibility to protect school property and declares its intent to take any and all legal action to prevent its damage or destruction. The Board will also seek restitution from, and prosecution of, any person or persons who willfully damage school property.

These rules govern the conduct of students, parents, faculty and other staff, other visitors, licensees, invitees, and all other persons, whether or not their presence is authorized, upon district property, and also upon or with respect to any other premises or property (including school buses) under the control of OU BOCES and used in its instructional programs, administrative, cultural, recreational, athletic, and other programs and activities, whether or not conducted on school premises.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so, or endanger the safety of themselves or others.
2. intentionally damage, destroy or remove district property or the personal property of a teacher, administrator, other district employee, or any other person lawfully on school property, including graffiti and arson.
3. disrupt the orderly conduct of classes, school programs, or other school activities.
4. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action,
5. appear libelous, obstruct the right of others, or are disruptive to the school program.
6. intimidate, harass, or discriminate against any person on the basis of age, ancestry, color, creed, disability, genetic predisposition or carrier status, marital status, military status, national origin, ethnic group, pregnancy, political affiliation, race, religion, gender (including gender identity and

- expression), sex, sexual orientation, veteran status, weight, or any other legally protected status.
7. enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
 8. obstruct the free movement of any person in any place to which this code applies.
 9. violate the traffic laws, parking regulations or other restrictions on vehicles.
 10. possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, tobacco/nicotine, controlled or illegal substances, or any synthetic versions (whether or not specifically illegal or labeled for human consumption) or be under the influence of either on school property or at a school function.
 11. possess or use firearms or other weapons including but not limited to, air guns, pistols, rifles, shot guns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers on duty or except as specifically authorized by OU BOCES.
 12. loiter on or about school property.
 13. gamble on school property or at school functions.
 14. refuse to comply with any lawful order of identifiable school officials performing their duties.
 15. willfully incite others to commit any of the acts prohibited by this Code.
 16. violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
 17. Smoke a cigarette, cigar, pipe, electronic cigarette (including vaping), or use chewing or smokeless tobacco.

Anyone who violates any of the provisions of these rules is subject to appropriate consequences, up to and including warning, suspension, ejection, arrest and/or prosecution.

B. Penalties

Persons who violate this Code may be subject to the penalties below.

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal.
2. Students. They shall be subject to immediate removal and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this Code of Conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate removal and to disciplinary action as the facts may warrant in accordance with Education Law section 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law section 75. They shall be subject to immediate removal and to disciplinary action as the facts may warrant in accordance with Civil Service Law section 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to immediate removal and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with law and any applicable collectively negotiated agreement and any relevant Board policy.

C. Enforcement

The chief operating officer shall be responsible for enforcing the conduct required by this Code. The chief operating officer may designate other staff who are authorized to take action consistent with the Code.

When the chief operating officer or his/her designee sees an individual engaged in prohibited conduct, which in his/her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The school official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. OU BOCES shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, OU BOCES reserves its right to pursue a civil or criminal legal action against any person violating the Code.

This Code and the penalties set forth herein are not considered to be inclusive or to preclude in any way the prosecution and conviction of any person for the violation of any Federal or NY State law, or local ordinance, and the imposition of a fine or penalty provided for therein.

XVI. Additional Information

School District Regulations for Computer Use, Email, Internet Usage and Use of Personal Devices for Educational Purposes

These regulations and procedures are established pursuant to the OU BOCES Technology Services, Equipment and Use policy and accompanying regulation.

BOCES reserves the right to monitor all student and employee email and internet access at any time. Any unauthorized use is prohibited. No rights of privacy from use of OU BOCES computers are intended nor should they be expected by any user, including all students and employees.

Students and Staff shall be expected to abide by the following general rules regarding access to and use of OU BOCES email and internet:

Acceptable Uses

1. All use of the internet and OU BOCES network must be in support of educationally- related inquiry.
2. Network user accounts are ONLY to be used by the authorized owner of the account.
3. All use of messaging software, including email, must be in support of educational-related inquiries.
4. Only school owned devices or personal devices used in connection with an educational related inquiry may connect to the OU BOCES network.

Unacceptable Uses

1. Sharing passwords or seeking passwords belonging to other individuals or making unauthorized entry into another individual's network account.
2. Impersonation – real names MUST be used, pseudonyms are not allowed.

3. Using profanity or obscenity.
4. Personal attacks upon others, including attacks that may be interpreted as “bullying” or “cyber-bullying.”
5. Illegal installation of copyrighted software on OU BOCES network. Users must respect all copyright issues regarding software, information, all media (i.e., music, video, intellectual property) and attributions of ownership. The unauthorized copying or transfer of copyrighted materials is not acceptable.
6. Downloading or uploading pirated or illegal software.
7. Publishing, accessing, distributing, downloading, forwarding, or sending any information which violates or infringes upon the rights of others or which would be considered abusive, profane or sexually offensive, discriminatory or harassing.
8. Using the network for financial or commercial gain.
9. Downloading computer applications or installing software applications or computer hardware without first having the express permission from OU BOCES.
10. Using the network for illegal activities or political lobbying.
11. Accessing or processing pornographic materials, or inappropriate text/video files.
12. Accessing or processing files/software dangerous to the integrity of the network.
13. Creating any inappropriate documents or other digital content.
14. Degrading or disrupting equipment, software or system performance.
15. Disclosing or disseminating personal information regarding minors (i.e., address, phone number, pictures, social security number and academic standing).
16. Bypassing or attempting to bypass any security measures or software
17. OU BOCES has in place, including but not limited to, firewall, internet content filtering, desktop security software and anti-virus software.
18. Users shall not use system resources for any non-instructional purpose, including but not limited to: personal email account access (e.g., Hotmail, AOL, Yahoo, Gmail, etc.), personal instant messaging (text and video messages), social networking sites (e.g., Facebook, Twitter, Pinterest), inappropriate apps, online shopping, online gaming or personal use of streaming media such as online radio stations, music videos or video broadcasts.

Students and parents are encouraged to review Policy 6315, Student Use of Computerized Information Resources (Acceptable Use Policy) in its entirety prior to using OU BOCES network and email.

During virtual learning, students shall be held to the same standards set forth in the Code of Conduct, including the prohibited conduct and potential penalties. Students may not display any virtual backgrounds, photographs or objects during a videoconference or during virtual learning that would violate the Code of Conduct.

Personally Owned Cell Phones, Tablets, Computers and Other Communication Devices

Elementary and Middle School Use

Use of personal cell phones, tablets, smartphones and other internet-connected devices are not allowed during the school day, unless used for educational purposes in accordance with this policy. OU BOCES does not assume responsibility for the care of personal cell phones, tablets, smartphones and other internet-connected devices should a student bring

a personal device to the elementary or middle school.

High School Use

Cell phones, tablets, smartphones and other internet- connected devices are valuable and necessary tools, however, the display of or use of these devices may cause disruption to the educational process and need to be used at the appropriate time during school hours. If a high school student decides to carry a device, these devices may only be used at the high school during a student's lunch period and passing time at the discretion of the principal. Students who possess communication devices in any -program shall assume responsibility for their care and any data costs. The devices must be turned off during class time, unless permission is granted by the teacher to use such device.

Regardless of whether a student- owned device is used for instructional purposes or personal use, OU BOCES shall not be responsible for stolen, lost or damaged personal electronic devices.

Misuse of an electronic device will result in its confiscation until the end of the school day.

Personal electronic devices shall be allowed to be used in the classroom in accordance with the following criteria:

- The teacher has authorized use of personal devices either in their classroom generally or for a particular exercise.
- The student uses the personal device to access the internet or authorized applications through OU BOCES network, pursuant to OU BOCES Acceptable Use Terms, and has agreed to abide by OU BOCES Policy and Regulation pertaining to acceptable use of computers.

Classroom Guidelines for BYOT (“Bring Your Own Technology”)

- Teachers shall discuss acceptable and inappropriate use with students at the beginning of the year and prior to each exercise.
- Students will use devices only when directed during teacher-selected activities.
- Students shall only use the device during authorized times and shall refrain from using a device when others are presenting, when others are talking, or when the teacher is talking to the entire class.
- Students are not expected to have a device to use as we do have other avenues to gain knowledge and information through other sources (books, textbooks, magazines, iPad/Chromebook/etc.).
- Students will adhere to OU BOCES Guidelines for acceptable use.
- Students will use devices for educational purposes only.

Gun-Free Schools Act

Consistent with the Gun-Free Schools Act of 1994, any pupil who is determined (in accordance with the procedures provided in Education Law §3214) to have brought a weapon to school shall be suspended for a period of not less than one calendar year and referred to the appropriate legal and law enforcement agencies. The chief operating officer shall have authority to modify this suspension requirement for all students on a case-by-case basis. The chief operating officer's determination will be subject to review by the Board in accordance with Education Law §3214(a) and thereafter to the Commissioner of Education pursuant to 310 of the Education Law.

Nothing in this policy shall be deemed to authorize suspension of a student with a disability in violation of either the IDEA or Article 89 of the Education Law. The chief operating officer shall refer a pupil under the age of sixteen who has been determined to have brought a weapon to school in violation of this subdivision to a presentment agency

for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act. The chief operating officer shall refer any pupil sixteen years of age or older who has been determined to have brought a weapon to school in violation of this subdivision to the appropriate law enforcement officials.

Non-School-Sponsored Speech

Students have a right to express their thoughts and opinions at reasonable times and places. OU BOCES expressly reserves the right to exercise pre-publication review of both school sponsored publications and speech, and non-school sponsored publications and speech, when such publication or speech is disseminated in or through OUBOCES as outlined in the Code.

Posting of Signs

1. All posters that are to be posted in halls or classrooms must adhere to the following guidelines:
 - Posters must be created by an existing OU BOCES club, athletic team, or other OU BOCES affiliated organization.
 - Posters must be approved by school administrator or his/her designee (the advisor, coach or leader of the affiliated organization)
 - Approved posters may be for promoting a meeting or event of the club, athletic team or affiliated organization.
 - Bulletin boards are available for these posters.
2. Posters may be hung in the classroom with the teacher's approval.
3. Oversized posters will not be permitted to occupy an entire bulletin board.
4. All notices and posters must be removed the day following the activity by the person(s) who posted the message.
5. Because of fire rules, nothing can be placed on the window of a classroom door, except in a lockdown situation.

XVII. Dissemination and Review

A. Dissemination of Student Code of Conduct

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

1. Providing a public hearing prior to Board approval.
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
3. Providing a summary of the Code of Conduct written in plain language to all parents of OU BOCES students before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents and other community members and provide opportunities to review and discuss this Code with the appropriate personnel.
7. Posting Student Code of Conduct on the OU BOCES web page.
8. A copy of the Code will be filed in each school building, where it will be available for review by any individual.
9. Ensuring that the process of reporting incidents of harassment or bullying is clearly explained both in the policy, the plain language summary and on the complaint form.

B. Review of Student Code of Conduct

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

BOCES will sponsor in-service education programs, typically during faculty meetings or other building level meetings, for all district staff members to ensure the effective implementation of the Code of Conduct including but not limited to, guidelines for promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees, and including safe and supportive school climate concepts in the curriculum and classroom. Such training shall be designed to raise staff awareness and sensitivity to potential discrimination or harassment and provide strategies and responses to assist staff in responding to reports and incidents of discrimination and harassment and to help discourage their reoccurrence. The chief operating officer may solicit the recommendations of OU BOCES staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

The Board will review this code of conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the Code and the response to Student Code of Conduct violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

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



Student Code of Conduct Acknowledgement Page

I acknowledge having read this document. I agree to abide by the Orange-Ulster BOCES Code of Conduct.

***Student Name** _____ **Print** _____ **Date** _____

Signature

Parent/Guardian Name _____ **Print** _____ **Date** _____

Signature

*For students unable to independently read and sign Student Code of Conduct signature page, only Parent/Guardian signature necessary.

If Parent/Guardian signing for student, please check here.



Student Code of Conduct

Acknowledgement Page

(For Adult Education Students Only)

I acknowledge having been made aware of the basic principles of the student code of conduct and where I may access the document in its entirety. I agree to abide by the Orange-Ulster BOCES Code of Conduct.

Student Name _____ **Print** _____ **Date** _____

Signature

Glossary of Terms Used in the Annual Reporting of Incidents Concerning School Safety and Educational Climate (SSEC)

Source: <http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/glossary201718.html>

Incident Categories

1. Homicide:

any intentional violent conduct that results in the death of another person.

2. Sexual Offenses:

2a. Forcible Sex Offenses.

Sex offenses involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon including but not limited to penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.

2b. Other Sex Offenses.

Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, but not limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.

3. Assault:

engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories:

3a. Physical Injury:

means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion

3b. Serious Physical Injury:

means physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

4. Weapons Possession:

possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:

4a. Routine Security Checks:

possession of one or more weapons (see list below) secured through routine security checks.

Weapons: means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- ii. 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;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a sling shot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition; or
- xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

4b. Weapons possessed under other circumstances:

Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker.

5a. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)

A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. ⁽²⁾ In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion,

religious practice, disability, sexual orientation, gender, or sex. Commissioner's regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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 the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.⁽³⁾

- Bullying is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.⁽⁴⁾

Please note the following "elements of bullying" do not solely determine whether an incident is material.

- Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental.
- Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

5b. Cyberbullying

is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a. and Commissioner's regulation 100.2(kk)(1)(viii))

6. Bomb Threat:

a telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.

7. False Alarm:

causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.

8. Use, Possession, or Sale of Drugs:

illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

9. Use, Possession, or Sale of Alcohol:

illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

Bias-Related Terms (5)

1. Biased-related conduct:

behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.

2. Race:

the groups to which individuals belong, identify with, or belong in the eyes of the community. This includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks, and twists. (Education Law §11[9] and [10]).

3. Ethnic Group (Ethnicity):

an affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.

4. National origin:

is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.

5. Color:

complexion tint or skin pigmentation. Color discrimination can occur within the same racial or ethnic group.

6. Religion:

religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.

7. Religious Practices:

religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.

8. 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 a record of such an impairment or (b) 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 §11[3] and Executive Law §292[21]).

9. Gender:

means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]). (6)

10. Sexual Orientation:

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

11. Sex:

is the biological and physiological characteristics that define men and women.

12. Other:

can include, but is not limited to, physical characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

Other Related Terms

1. Gang-Related:

when an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress, and/or colors that engages students in delinquent or illegal activity.

2. Group-Related:

an incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.

3. School Property:

shall mean 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 §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i))

4. School Function:

means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(kk)(1)(ii))

5. School Bus:

means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).

6. Target:

refers to a person who has been mistreated and/or injured, or the individual affected by the incident. The target can be identified as a student, staff, or other.

7. Victim:

see the definition of target.

8. Other:

refers to a target/victim or offender who is unknown, or neither a student, nor a staff member

9. Offender

refers to a person who has mistreated and/or injured another person, or the individual who caused an incident. The offender can be identified as a student, staff (such as teacher or other school staff), or other (such as school safety officer, student intruder, visitor, unknown).

10. Disciplinary or Referral Action:

for purposes of reporting, a consequence (7) assigned based on the violation of the school's code of conduct and reported under one of the following:

- Counseling or Treatment Programs: For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
- Teacher Removal: is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).
- In-School Suspension: is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel.

- Out-of-School Suspension: a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of suspension, in an alternate setting, separate from the school which his/her class/age peers attend.
- Involuntary transfer to an Alternative Placement: is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours.
- Community Service: when a school/district determines work that is assigned without pay to help a community.
- Juvenile Justice or Criminal Justice System: when the school is aware that a student, under the supervision of juvenile justice of the criminal justice system, engages in an incident that may rise to the level of a criminal offense, the school reports the incident to the juvenile justice system for intervention.
- Law Enforcement: when a student engages in an incident, that occurs on school grounds, during school-related events, or while on school transportation, and the incident may rise to the level of a criminal offense, the school reports the incident to any law enforcement agency or official, according to law enforcement procedures.

11. School-related arrests:

refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral to law enforcement by any school official. [\(8\)](#)






12. Sexting:

is described as the sending, receiving or forwarding of sexually suggestive nude or nearly nude photos through text messages or email. [\(9\)](#)

13. Controlled substance:

[According to Title 21 United States Code \(USC\) Controlled Substances Act, Subchapter 1, Part A, §802 \(6\)](#), "The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of [part B of this subchapter](#). The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986."

Footnotes

1. Education Law §2802, 8 NYCRR §100.2(gg)
2. For additional information and resources, please see [August 2016 Memo RE: Dignity for All Students Act: Results of Statewide School District Survey and Guidance on Implementation](#) and [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)  (1.4 MB)
3. Education Law §11(7), 8 NYCRR §100.2(kk)
4. [Dignity for All Students Act Requirements for Schools \(Tool for training school employees\)](#)  (910 KB)
5. These terms are consistent with those found in the publication entitled, [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)  (1.4 MB), Appendix A, Further descriptions and examples of these definitions are available in this document.
6. For further explanation refer to [Guidance to School Districts for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students](#)  (132 KB) and [The New York City Department of Education's Transgender and Gender Nonconforming Student Guidelines](#)
7. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal.
8. Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq., (Public Law 114-95, title 1, section 8532, 129 STAT. 1802); Education Law §2802(7).
9. For additional cyberbullying related terms, refer to Appendix A in [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#)  (1.4 MB).

Last Updated: June 23, 2021



At the Orange-Ulster BOCES Reorganization Meeting held on Thursday, July 14, 2022, the following were appointed to the position of Dignity for All Students Act Coordinators for 2022-2023:

| | |
|--------------------|---|
| Greg D'Ambrosio | Career and Technical Education Amy Bull Crist Area Educational Center (845-291-0300 x 10312) |
| Susan DeGeorge | Special Education Amy Bull Crist Area Educational Center (845-291-0200 x 10280) |
| Jaclyn De Lao | Career and Technical Education Amy Bull Crist Area Educational Center (845-291-0300 x 10317) |
| Sean Donlon | Career and Technical Education Amy Bull Crist Area Educational Center (845-291-0300 x 10326) |
| Barbara Gasperetti | Special Education Amy Bull Crist Area Educational Center (845-291-0200 x 10260) |
| Meghan Gildea | Special Education Amy Bull Crist Area Educational Center (845-291-0200 x 10230) |
| Mary Hennessy | Career and Technical Education Amy Bull Crist Area Educational Center (845-291-0300 x 10330) |
| Eugene Hewitt | Career and Technical Education Amy Bull Crist Area Educational Center (845-291-0300 x 10315) |
| Jennifer Lepore | Special Education Regional Educational Center at Arden Hill (845-291-0200 x 10605) |
| Jodie Maassen | Special Education Amy Bull Crist Area Educational Center (845-291-0200 x 10290) |
| Kelley O'Neill | Special Education Goshen Main Street / Newcomer Program / Pine Island Elementary (845-291-0200 x 10661) |
| Pilar Rocha | Special Education Minisink Valley Satellites (845-355-5871 / 845-355-5815) |
| Neal Wilkinson | Career and Technical Education Regional Educational Center at Arden Hill (845-291-0300 x 10633) |