

# **ULSTER COUNTY BOCES**

## **Behavioral Expectations and Supports**

**(Including the Ulster BOCES Code of Conduct)**

**175 Route 32 North  
New Paltz, New York 12561  
845-255-1400**



All learners will be able to develop their unique self  
and their capacity, and contribute to community  
through continuous cycles of inquiry.

Ulster BOCES Non-Discrimination Statement

The Board of Cooperative Educational Services, Sole Supervisory District of Ulster County (“BOCES”), does not discriminate on the basis of an individual’s actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex (including sexual harassment and sexual violence), gender identity, sexual orientation (“sexual orientation” means heterosexuality, homosexuality, bisexuality, or asexuality), political affiliation, age, marital status, military status, veteran status, disability, weight, domestic violence victim status, arrest or conviction record, genetic predisposition or carrier status or any other legally protected status in regard to employment opportunities or educational/vocational programs or activities which it operates. All inquiries regarding BOCES Non-Discrimination policies and/or complaints regarding violation(s) of these policies should be directed to the BOCES Compliance Officer, Dr. Jonah M. Schenker, Deputy Superintendent in one of the following manners:

By E-Mail: [jschenke@ulsterboces.org](mailto:jschenke@ulsterboces.org)

By Mail: 175 Route 32 North, New Paltz, New York 12561

By Telephone: (845) 255-3020

Inquiries concerning the application of Title IX and its implementing regulation and/or complaints regarding violation(s) of these provisions can be referred to the Department of Education, Office of Civil Rights, 32 Old Slip, 26th Floor, New York, NY 10005-2500, Telephone: (646) 428-3900, FAX: (646) 428-3800; TDD: (800) 877-8339; E-Mail: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).

**Behavioral Expectations and Supports (Including the Ulster BOCES Code of Conduct)**

BOE Approved: 5/25/22

Housekeeping Updates: - 12/21/22 Board of Education Meeting

# **Behavioral Expectations and Supports**

## **(Including the Ulster BOCES Code of Conduct)**

Students, teachers, administrators, support staff, parents, counselors, and members of the local community all contribute to each student's success. All members of the school community—students, staff, and parents—must know, understand and follow the standards of behavior to which such individuals are expected to abide by. They must also know and understand the possible consequences, if these standards are not followed. This document provides descriptions of conduct that meet the standards of behavior expected of Ulster BOCES students, and it also outlines conduct that does not meet these standards. It includes ranges of supports and interventions and also permissible disciplinary responses that schools may use to address misconduct. Additionally, this document presents the ways in which each adult can help the community and the student restore their relationship when it becomes impaired.

It is essential that schools set aside time to review with students these standards of behavior. All students, regardless of age, should be engaged in discussion of the school community's expectations and should be active participants in creating classroom "ground rules" for their behavior. Equally imperative, all school faculty and staff must affirm clear and consistent behavioral expectations that set the tone for a safe, orderly, and respectful school community. School faculty and staff must be firm, fair, and consistent in addressing student behavior in a manner that enables students to learn from their mistakes and be accountable for their misconduct.

# **BEHAVIORAL EXPECTATIONS AND SUPPORTS**

## **(Including the Ulster BOCES Code of Conduct)**

**Dr. Charles V. Khoury**  
District Superintendent

**Dr. Jonah M. Schenker**  
Deputy Superintendent

**Ms. Amanda Stokes**  
Director, School Business

### **Board of Education**

**Barbara Carroll, President**  
New Paltz Central School District

**Susan Gilmore, Vice President**  
Highland Central School District

**Krista Barringer**  
Saugerties Central School District

**Robert Curran**  
Onteora Central School District

**Christopher Farrell**  
Kingston City School District

**Donald Greene**  
Wallkill Central School District

**Marla Kaplan**  
Ellenville Central School District

**Vincent Petrocelli**  
Wallkill Central School District

**James Shaughnessy**  
Kingston Central School District

**David Thompson**  
New Paltz Central School District

**TBA**  
Rondout Valley Central School District

## **Code of Conduct Committee**

*The Ulster County BOCES Behavioral Expectations and Supports, including the Ulster BOCES Code of Conduct was developed, reviewed, and/or revised by the following committee members.*

### **Administrators:**

Maura Albertson  
Jill Berardi  
Sarah Dudley-Lemek  
Peter Harris  
Richard Haviland  
Gwen Kramer-Gold  
Joseph Salamone  
Jonah M. Schenker  
Amy Storenski  
Barbara Tischler Hastie

### **Teachers/Related Staff/TA Representatives:**

Dawn Appollonia  
Jennifer Blackmon  
Michael Brady  
Christina Droney  
Corrine Geasor  
Matthew Leifeld  
Elise Macur  
Steve Masson  
Laura Passaretti  
David Rosenberg  
Julianne Ross-Kleinmann  
Michelle Rosu  
Taima Smith

### **Community Members/Parents:**

Jodi Clemente  
Helen Edgar  
Claudia Small  
Ian Winter

### **Higher Education Representative:**

Christopher Marx

### ***Our Guiding Vision:***

*All learners will be able to develop their unique self and their capacity, and contribute to community through continuous cycles of inquiry.*

## Table of Contents

<i>Section</i>	<i>Page</i>
I. Introduction	7
II. The Value of Partnership	8
III. Essential Partners	9
IV. Promoting Positive Student Behavior	11
V. Student Bill of Rights	12
VI. Progressive Ladder of Support and Disciplinary Responses	18
VII. Supports and Interventions	21
VIII. Restorative Practices	24
IX. Addressing Bullying and Bias-Based Behavior	26
X. Transportation To and From BOCES Programs	29
XI. Prohibited Items: Weapons	29
XII. Progressive Discipline	30
XIII. Progressive Infraction Levels	32
XIV. Discipline Code Infractions	34
XV. Student Dress Code	43
XVI. Reporting Violations of the Behavioral Expectations and Supports Document	44
XVII. Disciplinary Measures	44
XVIII. Removal of Disruptive Students from the Classroom by a Teacher	45
XIX. Discipline of Students with Disabilities	50
XX. Searches	53
XXI. Corporal Punishment	56
XXII. Emergency Intervention	56
XXIII. The Appeals Process	57
XXIV. Visitors of Ulster BOCES	58
XXV. Public Conduct on Ulster BOCES Property	58
XXVI. School Programs to Support Positive Behavior	59
XXVII. Staff Development	59
XXVIII. Dissemination and Review	60
Appendix A Dignity for All Students Act – Appendix A	62
Appendix B Dignity Act – Eleven Named Classes & Plain Language Reference – Appendix B	68
Appendix C Definitions – Appendix C	71

NOTE: It is beyond the scope of this document to identify all potentially relevant state laws, rules, or regulations and School Board policies that may apply to a specific disciplinary case. Therefore, this publication of the Behavioral Expectations and Supports is not an exhaustive representation of every possible example of inappropriate behavior for which a student may receive a disciplinary consequence. However, it does represent a good faith effort to address the more frequently observed behaviors of students generally.

## I. INTRODUCTION

The Ulster County BOCES Programs have a set of expectations for conduct on school property, at school functions and at school supervised events. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, which are reflective of community and workplace standards and essential to develop a strong character.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value of Ulster County BOCES. A program geared to prevention is designed to not only decrease incidents of discrimination, harassment, bullying, taunting or intimidation, but to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Staff members and students will be sensitized through BOCES-wide professional development and instruction, to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention of such acts before they occur.

The Board recognizes its responsibility to educate students for appropriate conduct. Our goal is to clearly define the expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when warranted is administered promptly and fairly. To this end, the Board adopts this Behavioral Expectations and Supports.

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

In summary, the purpose of the Behavioral Expectations and Supports document is to ensure alignment with our North Star Statement:

### **“NORTH STAR”**

**Foster a learning environment in which all learners will be able to develop their unique self and their capacity, and contribute to community through continuous cycles of inquiry.**

#### **Commitment #1 – Learners will develop their unique self.**

We believe that learning is a process of discovery through which one increases self-awareness, explores identities, finds personal joy and clarifies core values. This involves fostering different paths to success and providing opportunities to reflect on one’s life, strengths, needs, and goals.

#### **Commitment #2 – Learners will develop their capacity.**

We believe that, given support and opportunities, all learners will be continually inspired to persevere and maximize their potential. We support each individual’s unique way of learning, giving them an understanding of themselves as lifelong learners. We honor each learner’s learning path, energize them to develop skills, expand their mind, grow in all areas, and meet current and future goals.

#### **Commitment #3 – Learners will contribute to the community.**

We believe that community means helping others through communication, engagement, connections, learning, caring, a safe environment, trust, and celebration of our diversity. We will create a safe and positive environment to prepare our learners for success at BOCES and beyond.

**Commitment #4 – Learners will engage in continuous cycles of inquiry.**

We believe that we must develop the motivation in learners for them to investigate the world, understand multiple perspectives, and fully engage in meaningful experiences. This requires a method of setting goals, creating a plan, implementing strategies, observing, assessing, and revising. This reflection leads to new understandings, questions, and evolving collaboration.

**II. THE VALUE OF PARTNERSHIP**

\*Note: In this document, “parent” refers to the child’s parent or guardian or any person in a parental or custodial relationship to the child. This includes birth or adoptive parent, stepparent, legally-appointed guardian, foster parent, and “person in parental relation” to a child attending school. “Person in parental relation” refers to a person who has assumed the care of a child because the child’s parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

Students, parents, and school staff all have a role in making schools safe and must work together to achieve this goal. School staff should keep parents informed of their child’s behavior and engage parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call, an in- person conference, and written communication. To ensure that parents are able, encouraged, and supported to become active and involved partners in promoting a safe, supportive school environment, they should become familiar with the Behavioral Expectations and Supports document. To this end:

- School officials are responsible for sharing the information in this document with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Behavioral Expectations and Supports document and how best to work with the school to support their child’s social emotional growth.
- Educators are responsible for informing parents about their child’s behavior and for nurturing the skills that students need to succeed in school and in society. Parents are encouraged to discuss with their child’s teachers and other school staff any issues that may affect student behavior and strategies that might be effective in working with the student.

It is important that there is meaningful consultation and communication between the school and the home. Schools must arrange for interpretation and translation services, if necessary, to communicate with a parent. Guidance conferences attended by the principal or their designee, a school counselor, the student’s parents, and one or more of the student’s teachers are an effective means of encouraging parental input and should be held with students, when appropriate.

Parents who want to discuss supports and interventions in response to student behavior should contact their child’s school.

In the event that a student engages in inappropriate behavior that violates the Behavioral Expectations and Supports document, the principal or principal’s designee must report the behavior to the student’s parents. When a student is believed to have committed a crime, the police and the parent must be notified.

**Attendance**

Attendance at school is vital to a student’s academic progress and success. School personnel must

ensure that appropriate outreach, intervention, and supports are provided for students with patterns of absences. The school should review cases of absenteeism, chronic absenteeism, and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers, and other school staff to facilitate a resolution.

School staff must meet with the student and parents in order to determine needed supports and an appropriate course of action which may include, but is not limited to: guidance intervention, family conferences, referral for counseling, changes in academic program, behavioral contracts, and/or referral to tutoring or after-school programs.

### III. **ESSENTIAL PARTNERS**

#### ***Parents/Guardians***

All parents are expected to:

- recognize that the education of their children is a joint responsibility of the parent, school, and community;
- send their children to school ready to participate and learn;
- ensure that their children attend school regularly and on time;
- ensure absences are legitimate and necessary;
- insist their children be dressed and groomed in a manner consistent with the student dress code (see page 43, Student Dress Code);
- help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- know school rules, their children's rights and responsibilities as expressed in this Behavioral Expectations and Supports document and help them to understand those responsibilities;
- convey to their children a supportive attitude toward education and the Ulster BOCES programs;
- foster good relationships through communication with teachers, other parents, and their children's peers;
- help their children deal effectively with peer pressure;
- inform school officials of changes in the home situation that may affect student conduct or performance including changes in phone number, address, or emergency contacts; and
- teach respect for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- learn about discriminatory, harassing and bullying behavior and how to encourage your children to act appropriately and follow the Behavioral Expectations and Supports document.

#### ***All BOCES Instructional and Support Staff***

All staff members play an important role in the education of our students. In view of this responsibility they must:

- model appropriate behavior that shows respect for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- not discriminate or harass any student;

- promote a climate of mutual respect and dignity which will strengthen each student's positive self-image;
- teach the common courtesies by precept and example;
- treat students in an ethical and responsible manner;
- guide students to reach their maximum potential;
- demonstrate desirable standards of behavior through personal example;
- report violations of the Behavioral Expectations and Supports document at the appropriate level; and
- comply with policy and procedures regarding confidential information.

### ***Teachers***

In addition to the responsibilities of all Ulster BOCES staff members, teachers must:

- plan instruction that will make learning challenging and stimulating;
- utilize classroom routines which contribute to the total instructional program and to the students' development of civic responsibility;
- distinguish between minor student misconduct best handled by the teacher and major problems requiring the assistance of the administrator;
- explain and interpret the Behavioral Expectations and Supports document to students;
- communicate regularly with students, parent and other teachers concerning growth and achievement; and
- communicate to students and parents the following:
  - course objectives and requirements
  - marking/grading procedures
  - assignment deadlines
  - expectations for students
  - classroom discipline plan
  - students' rights and responsibilities
- always conduct oneself in a professional manner consistent with New York Teaching Standards;
- teach students to be culturally sensitive and to support, appreciate and respect differences of all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression), or sex;
- respond to issues of discrimination and harassment and incidents that threatens the emotional or physical health or safety of any student regardless of actual or perceived categories in the eleven named classes in the Dignity for All Students Act;
- be aware of and support the instruction for students that raises awareness and sensitivity to discrimination or harassment based on a person's actual or perceived eleven named classes in the Dignity for All Students Act;
- listen to students about incidents of discrimination and harassment and follow reporting procedures.

### ***Board of Education***

The primary task of the Board is to establish school district policy. In this regard, it shall be the responsibility of the Board to:

- adopt and support a clearly defined discipline policy (this Behavioral Expectations and Supports document) for the BOCES;

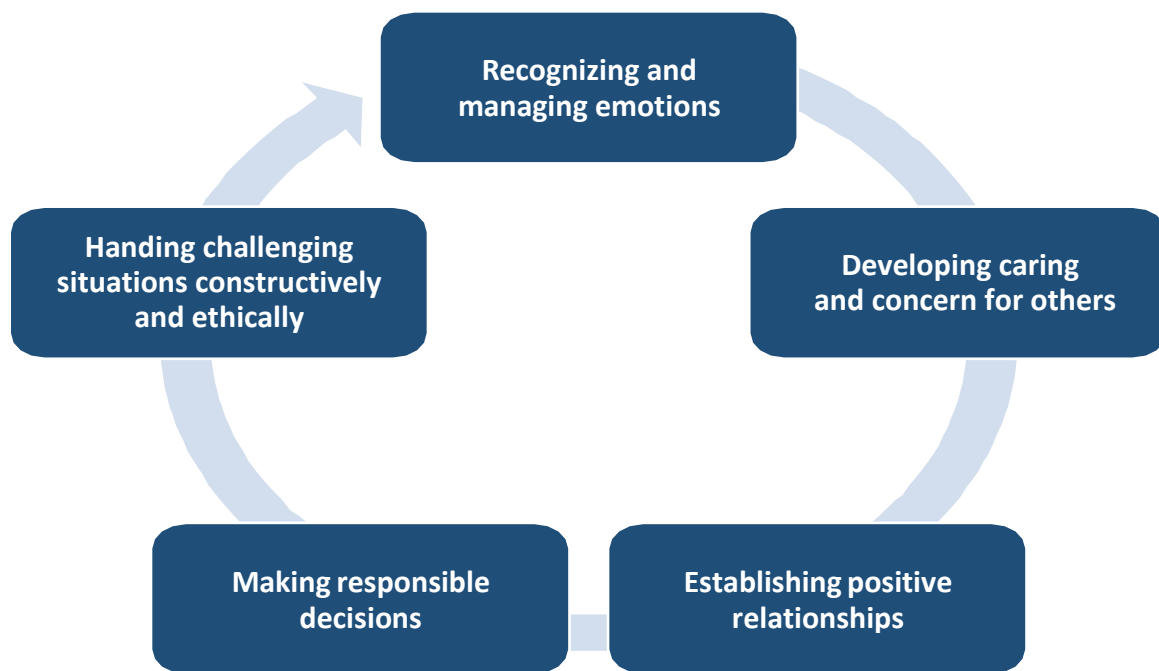
- approve a procedure for hearing appeals relating to disciplinary action which will protect the rights of all parties in the action;
- listen and react to the views of the total community; and
- annually review the discipline policy (this Behavioral Expectations and Supports document) of the BOCES.

#### IV. **PROMOTING POSITIVE STUDENT BEHAVIOR**

School culture and climate have a profound impact on students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students with a supportive environment in which to grow both socially and academically.

Schools are expected to take a proactive role in nurturing students' pro-social behavior. Social emotional learning must be a basic component of a school's program of universal prevention for all students. Effective social emotional learning helps students develop fundamental life skills, including:

- Recognizing and managing emotions
- Developing caring and concern for others
- Establishing positive relationships
- Making responsible decisions
- Handling challenging situations constructively and ethically



When students develop these skills, they experience more positive relationships with peers, engage in more productive social behaviors, and are less likely to engage in misconduct.

Establishing schoolwide multi-tiered system of support and a “Whole Child” approach is essential to ensuring that the right supports are in place and that schools are implementing progressive discipline. A multi-tiered system of support and a “Whole Child” approach is a comprehensive system that screens all students and provides targeted interventions, as needed. The goal of these supports is to foster

resiliency and the pro-social skills that students need to succeed in the classroom and beyond.

School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning. Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and their parents.

Student engagement is integral to creating a positive school culture that fosters students' social emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors. Examples can include:

- meaningful opportunities to share ideas and concerns and participate in schoolwide initiatives (e.g., student government, regularly held student forums; schoolwide community service projects, etc.);
- student leadership development;
- co-curricular after-school activities (e.g., student clubs, including sports-related clubs and teams; service organizations; etc.);
- periodic recognition of students' achievements in a wide range of academic and co-curricular areas.

Such opportunities, coupled with a comprehensive program of prevention and intervention supports, provide students with the experiences, strategies, skills, and support that they need to thrive.

### **The "Whole Child" Approach**

The objective of the Whole Child Approach is not just to improve students' academic performances, but also contribute to their overall development. This approach aims to provide students with the assistance and structure for attaining long-term success in all areas of their life. When students are *healthy, safe, supported, engaged and challenged*, students are then able to learn to the best of their ability.

## **V. STUDENT BILL OF RIGHTS**

### **Preamble**

Ulster BOCES seek to cultivate a sense of mutual respect among students, parents and staff. Schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

The following document was produced collaboratively between Ulster BOCES students, teachers, and administrators. Student representatives from the Career and Technical Center, Hudson Valley Pathways Academy, Phoenix Academy, and Special Education surveyed their classmates, asking for their input on fundamental student's rights and the optimal conditions for learning, self-expression, and community building. The data they received from their classmates was then synthesized into the 10 rights listed below.

## **Student Bill of Rights**

1. All students have the right to self-expression as long as it does not endanger, belittle, or disrespect others or interfere with the learning process. This includes the right to wear religious attire.
2. All students have the right to safe learning environments where they feel respected and valued.
3. All students have the right to advocate for themselves and influence school policies.
4. All students have the right to due process and fair and just treatment in which they are able to advocate for themselves, voice their opinions, and, when necessary, explain their actions.
5. All students have the right to voice their needs and concerns to teachers, counselors, or administrators.
6. All students who are dealing with conflict, personal issues, or distress have the right to utilize alternative settings designed to help them proactively manage their actions and emotions.
7. All students have the right to clear and consistent expectations from all faculty members in terms of academic policies and assessment. Criteria for success, behavior, and dress should always be stated and clearly explained.
8. All students should be given equitable access to opportunities, resources, and the tools necessary for scholastic success.
9. All students have the right to instruction and assessments that meet their unique styles of learning, value inquiry, and individual student voice and perspective.
10. All students have the right to interact socially, build a diverse range of relationships, and work comfortably with others.

### **A. The Right to a Free, Public School Education**

The right to a free, public school education is a basic “student right” guaranteed to all children. Students have a right to:

1. attend school and receive a free, public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be Multiple Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free, appropriate, public education from age 3 until age 21, as provided by law;
2. be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior.

3. receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity (including the right of students to use bathrooms and locker rooms in accordance with their gender identity and to be addressed by the name and pronouns consistent with their gender identity), gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs;
4. receive a written copy of the school's policies and procedures, including the Behavioral Expectations and Supports document early in the school year or upon admission to the school during the school year;
5. be informed about diploma requirements, including courses and examinations and information on assistance to meet those requirements;
6. be informed about required health, cognitive, and language screening examinations;
7. be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. receive professional instruction;
9. know the grading criteria for each subject area and/or course offered by the school and to receive grades for schoolwork completed based on established criteria;
10. be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. be notified of the right of appeal regarding holdover or failing grades;
13. confidentiality in the handling of student records maintained by the school system;
14. request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters; (To protect the rights of students and parents to determine how student information is released to the military, schools that administer the Armed Services Vocational Aptitude Battery (ASVAB) will not release student scores to military recruiters unless both the parent and the student provide written consent.)
15. receive guidance, counseling, and advice for personal, social, educational, career, and vocational development.

#### **B. The Right to Freedom of Expression and Person**

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the New York State Education Department. Students as appropriate, have the right to:

1. organize, promote, and participate in a representative form of student government;
2. organize, promote, and participate in student organizations, social and educational clubs or teams;
3. representation on appropriate schoolwide committees that influence the educational

process, with voting rights where appropriate;

4. publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to reasonable regulation based on legitimate pedagogical concerns;
5. with prior administrative approval, circulate, including through electronic circulation, newspapers, literature, or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, except where such material is reasonably determined by the school administration to be libelous, obscene, commercial, or has been determined by the administration to have the potential to materially disrupt the school, cause substantial disorder, or invades the rights of others;
6. wear political or other types of buttons, badges, or armbands, except where such material is reasonably determined by the school administration to be libelous, obscene or materially disrupts the school, causes substantial disorder, or invades the rights of others;
7. with prior administrative approval, post bulletin board notices within the school or on the school website subject to reasonable guidelines established by the school, except where such notices determined by the school administration to be libelous, obscene, commercial or have been determined by the administration to have the potential to materially disrupt the school, cause substantial disorder, or invade the rights of others;
8. determine their own dress within the parameters of the BOCES policy consistent with religious expression, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons and belongings and to carry in the school building personal possessions which are appropriate for use on the premises;
10. be free from unreasonable searches;
11. be free from corporal punishment and verbal abuse; and
12. decline to participate in the Pledge of Allegiance or stand for the pledge.

### **C. The Right to Due Process**

Every student has the right to be treated fairly in accordance with the rights set forth in this document. Students have the right to:

1. be provided with the Behavioral Expectations and Supports document;
2. be provided with examples of appropriate behavior and as well as examples of those behaviors that may result in discipline;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare in the school;
4. be provided with examples of possible dispositions and outcomes for specific offenses;
5. due process with respect to disciplinary responses for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are “presumed to have a disability” have the right to certain protections under the Individuals with Disabilities Education Act (IDEA);

6. due process of law in instances of disciplinary responses for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are “presumed to have a disability” have the right to certain protections under IDEA.
7. be provided with the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. be accompanied by a parent and/or representative at conferences and hearings where an out-of-school suspension is being considered, consistent with law;
9. the presence of school staff in situations where there may be police involvement.

#### **D. Additional Rights of Students Age 18 and Over**

The federal Family Educational Rights and Privacy Act (“FERPA”) gives students who have reached 18 years of age certain rights with respect to the student’s education records.

Students age 18 and over have the right to request, inspect, and review their own education records within 45 days of the day Ulster BOCES receives the student’s request.

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA.

Students age 18 and over have the right to provide written consent before personally identifiable information in their own education records is disclosed, except in certain cases when FERPA allows disclosure without consent, including the following:

- Disclosure to a school official with a legitimate educational interest in such record(s). Examples of school officials include people employed by Ulster BOCES (such as administrators, supervisors, teachers, other instructors, or support staff members), as well as people whom Ulster BOCES has engaged to perform services or functions it would otherwise use its own employees to perform (such as agents, contractors, and consultants), and who are under the direct control of Ulster BOCES with respect to the use and maintenance of personally identifiable information from education records.
- Disclosure, upon request, to officials of another school in which a student is trying to enroll, plans to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.
- Other exceptions that permit disclosure of personally identifiable information without consent include certain types of disclosures:
  - a. to authorized representatives of certain Federal, State, and local government entities and officials in connection with audits, evaluations, or certain other activities;
  - b. in connection with financial aid for which the student has applied or which the student has received;
  - c. to organizations conducting studies for, or on behalf of, the Ulster BOCES for the

- purposes of administering predictive tests, administering student aid programs, or improving instruction;
- d. to accrediting organizations to carry out their accrediting functions;
  - e. to parents of students age 18 and over if the student is a dependent for Internal Revenue Service (IRS) tax purposes;
  - f. to comply with a judicial order or lawfully issued subpoena;
  - g. to appropriate persons in connection with a health or safety emergency; and
  - h. of information that Ulster BOCES has designated as “directory information.” Most of these types of disclosures are subject to certain additional requirements and limitations.

Students age 18 and over have the right to inspect and review the record of disclosures that FERPA requires schools to keep when making disclosures of personally identifiable information without consent. However, schools are not required to record disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to parents or to students age 18 and over.

Students age 18 and over have the right to file a complaint with the U.S. Department of Education if they feel that Ulster BOCES has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Student Privacy Policy Office**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-5920**  
**Phone: 1-800-USA-LEARN (1-800-872-5327)**

#### **E. Student Responsibilities**

Responsible behavior by each student supports the rights set forth in this document. Violation of some of these responsibilities may lead, in accordance with the Behavioral Expectations and Supports document, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society. Students have a responsibility to:

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances, and alcohol;
5. behave in a manner that contributes to a safe learning environment and that does not violate other students’ right to learn;
6. share information with school officials regarding matters which may endanger the health and

welfare of members of the school community;

7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous, and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, weight, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs, and refrain from making slurs based on these criteria;
10. behave in a polite, truthful, and cooperative manner toward students and school staff;
11. promote good human relations and build bridges of understanding among the members of the school community;
12. use non-confrontational methods to resolve conflicts;
13. participate and vote in student government elections;
14. provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social, and cultural interests and needs of students;
16. observe ethical codes of responsible journalism;
17. refrain from obscene and defamatory communication in speech, writing, and other modes of expression, including electronic expression, in their interactions with the school community;
18. express themselves in speech, writing, and other modes of expression, including electronic expression in a manner which promotes cooperation and does not interfere with the educational process;
19. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories, and shops;
22. be familiar with the school Behavioral Expectations and Supports document and abide by school rules and regulations;
23. provide leadership to encourage fellow students to follow established school policies and practices;
24. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.

## **VI. PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY RESPONSES**

The ladder of supports and disciplinary responses below illustrates a progressive approach to inappropriate behavior. Student misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors, including the nature and severity of the misconduct. In certain cases, student supports and interventions may be used in lieu of or in tandem with in-school disciplinary responses. In some cases, a student's misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response, along with supports and interventions.

**1. Concurrent Support and Disciplinary Response to Misconduct**

When a student engages in misconduct, supports are provided to address the student's inappropriate behavior and/or underlying needs, in conjunction with a disciplinary response, if appropriate. The goal is to foster social emotional growth and pro-social behavior and prevent future misbehavior.

**2. Universal Prevention for All Students**

Ulster BOCES takes a whole school approach to promoting positive student behavior. Social emotional learning is infused into the curriculum. School staff meet regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, foster resiliency, and build students' positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention, and/or supports.

**3. Initial Response(s)**

When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor or the Building Level Support Team.

**4. Supports and Intervention Options**

In alphabetical order:

- a. Collaborative problem solving
- b. Community service (with parental consent)
- c. Conflict resolution
- d. Development of Individual behavioral contract
- e. Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- f. Guidance conference
- g. Health education
- h. Individual/group counseling
- i. Individualized Support Plan
- j. Intervention by counseling staff
- k. Mentoring
- l. Parent Outreach
- m. Positive behavioral interventions and supports

- n. Referral to appropriate substance abuse counseling services
- o. Referral to a community-based organization (CBO)
- p. Referral to counseling services for bullying, intimidation, or harassment, including bias-based bullying, intimidation, or harassment
- q. Referral to counseling services for youth relationship abuse or sexual violence
- r. Referral to mental health support services
- s. Partner with the District and Pupil Personnel Teams
- t. May be directed to the Building Level Support Team
- u. Referral to the Substance Abuse Prevention and Support Services
- v. Restorative practices
- w. Short-term behavioral progress reports
- x. Social emotional learning

For students serving a superintendent's suspension, student supports are provided in an alternate instructional site. Contact between the site and the student's home school is established to ensure academic progress and a successful transition upon return.

## 5. Disciplinary Response Options

- **Range of In-School Disciplinary Response(s)**
  - a. School staff meeting with teacher/staff and student to address the misbehavior and its impact
  - b. Student/teacher conference
  - c. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
  - d. Parent conference
  - e. Other in-school disciplinary responses:
    - Verbal warning
    - Written warning
    - Written notification to parent
    - Detention (in school or after school)
    - In school suspension
    - Suspension from transportation
    - Suspension from athletic participation
    - Suspension from social or extracurricular activities
    - Suspension from other privileges
    - Exclusion from a particular class
- **Teacher Removal or Principal's Suspension**
  - f. Removal from classroom by teacher
  - g. Principal's suspension (up to five school days)
- **Superintendent's Suspension of an Ulster BOCES Student by a Component/Non-Component Superintendent**
  - h. May result in immediate reinstatement
  - i. May result in a suspension for a longer period of time (more than five days)

**Superintendent Hearing language from NYSED website, from 2010:**

<http://www.p12.nysed.gov/specialed/lawsregs/part201.htm#S2012>

Under Part 201 – Procedural Safeguards for Students with Disabilities Subject to Discipline

**201.2 Definitions**

(q) Superintendent's hearing means a disciplinary hearing conducted pursuant to Education Law section 3214(3)(c) and (g) by a superintendent of schools, or a hearing officer designated by a superintendent of schools, to determine whether a student should be suspended from instruction for more than five consecutive school days.

\*Superintendent's suspensions for more than 20 school days are generally reserved for Level 5 infractions that involve seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension or where otherwise required by law. However, administration may consider the presence or absence of aggravating or mitigating factors in determining whether a harsher or lighter consequence may be warranted.

**VII. SUPPORTS AND INTERVENTIONS**

Supports and interventions are an integral part of a comprehensive response to misconduct. Schools are required to provide and document supports at all stages of the disciplinary process, including during suspension. When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Supports may include any of the interventions that best meet the needs of the student.

**Glossary of Supports and Interventions**

In alphabetical order:

- **Collaborative Problem Solving**  
When a student engages in challenging behavior, a trained school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior, and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both.
- **Community Service (with Parental Consent)**  
Community service allows students to develop skills and engage in real-life solutions to help communities.
- **Conflict Resolution**  
Conflict resolution facilitates resolutions between two or more disputants. Using the collaborative negotiation process, students actively listen and talk through an issue or conflict directly with those with whom they disagree to arrive at a mutually satisfactory resolution.
- **Development of Individual Behavior Contract**  
The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.

- Guidance Conference  
Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.
- Health Education  
Health education is a required academic subject for students in all grades. In this class, students learn the concepts and skills they need to stay healthy, including social and emotional skills, how to prevent bullying, communication and relationship skills, and how to avoid health risks like alcohol, tobacco, and other drugs.
- Individual/Group Counseling  
Individual counseling provides students with an outlet to privately share issues that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, and conflict resolution and/or communication skills, etc. Students discuss and formulate goals and learn problem-solving strategies that will enable them to address a variety of personal challenges. Counselors should conference with parents on a regular basis to discuss the student's academic and personal progress.
- Individualized Support Plan  
An Individualized Support Plan is a written plan to support students who have been the victim or the initiator of bullying, harassment, intimidation, discrimination, and other aggressive behaviors. It contains, among other things, interventions and supports for the student and provisions for designated school staff to consult with the student and/or their parents, at specified times, to determine whether the behavior has improved. It is useful in student cases warranting a more targeted approach and/or involving regular monitoring.
- Intervention by Counseling Staff  
Where available, school-based counseling personnel and/or School-Based Mental Health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group, and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.
- Mentoring  
Students are matched with a mentor/coach or a mentoring program in order to work with a counselor, teacher, student, and/or administrator for personal, academic, and social development.
- Parent Outreach  
School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.
- Positive Behavioral Interventions and Supports (PBIS)  
PBIS promotes school-based prevention systems to improve student behavioral outcomes by

providing a multi-tiered operational framework and teaching behavioral expectations in the same manner as any core curriculum subject.

- Referral to Appropriate Substance Abuse Counseling Services  
In the case where a student is presenting problems with substance abuse, including the use, possession, or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to either school-based counseling services or to an external agency or community-based organization.
- Referral to a Community-Based Organization (CBO)  
Students may be referred to a community-based organization for a wide range of services including, but not limited to, after-school programming, individual or group counseling, leadership development, conflict resolution, and academic tutoring.
- Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment  
When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based agency.
- Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence  
When a person uses a pattern of threatening or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education services.
- Referral for Mental Health Support Services  
Students may be referred to receive services from a counseling, mental health, or mentoring agency.
- Partner with the District and Pupil Personnel Teams  
Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention, intervention strategies, and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome academic and/or other challenges.
- Partner with Substance Abuse Prevention and Intervention Services  
Students who are at risk for alcohol and substance abuse, gang involvement, suspension from school, disruptive behaviors, and infractions related to the Behavioral Expectations and Supports document may be referred to SAPIS for intervention services. SAPIS provides parent workshops that address alcohol and substance abuse issues, as well as bullying and violence prevention. SAPIS offers crisis- response services to schools needing support during crisis incidents. It also provides intervention services in grades K-12 to prevent and decrease the negative health, social, and educational consequences associated with substance abuse.

- **Restorative Practices**  
Using restorative practices to foster positive interpersonal and intergroup relations—and to address inappropriate behavior when it occurs—is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing. Neither mediation nor conflict resolution is, under any circumstances, an appropriate intervention for bullying or intimidation due to an imbalance of power associated with bullying and intimidation.
- **Short-Term Behavioral Progress Reports**  
Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of their behavior and working in the classroom successfully.
- **Social Emotional Learning**  
Equipping students with skills to manage emotions, set positive goals, show empathy for others, and establish positive relationships, social emotional learning helps students make responsible and constructive decisions.

## **VIII. RESTORATIVE PRACTICES**

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

A restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

### **Glossary of Restorative Practices**

- **Circle Process:** Use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships, establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest resource in creating and sustaining a safe and supportive school environment. Building community among students and between students, families, and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency.

### Community building circles focus on:

- Safety and Trust. Community members need a sense of safety and trust to connect with one another.
- Honor. Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- Openness. Community members feel free to share their thoughts and feelings.
- Respect. To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another.
- Empowerment. A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.

When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. A circle can also be used in response to a particular issue that affects the school community.

- Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom they disagree to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.
- Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized by another (for example, in cases of harassment or bullying), due to an imbalance of power.
- Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be recommended as an intervention in conjunction with a disciplinary

response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or superintendent's suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension. This conference should not be used when there is a perceived power imbalance between participating students.

- **Welcome-Back Circle:** A welcome-back circle is a process designed to formally welcome the returning student back into the school community and to establish a support system for the student (such as, key relationships and resources). The returning student and other circle participants (for instance, school staff and parents) make commitments about how to foster a smooth return and address individual or community circumstances that contributed to the suspension event. The Circle provides a space for students to express themselves, actively listen to one another's perspectives, and build a sense of community. This practice helps build a strong school culture that students, staff, and those in the community can rely on and return to in times of need. A welcome-back circle may be used as an intervention in conjunction with a disciplinary response (for example, a student participates in a welcome-back circle after a teacher removal or a principal's or superintendent's suspension).

## **IX. ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR**

### **Prevention and Intervention**

Each school is expected to promote a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff. Schools should provide all students with a supportive and safe environment in which to grow and thrive academically and socially. The ability of students to learn and meet high academic standards and the school community's ability to educate its students are compromised when students engage in discrimination or harassment, bullying, or intimidating behavior toward other students.

Schools should prevent bullying behavior through:

- Implementation of school-wide and classroom-based social and emotional learning strategies and positive approaches to discipline;
- Age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum;
- Creation of a school-wide and classroom climate that supports racial, cultural and other forms of diversity, (i.e., clear communication of behavioral expectations, incorporation of lesson plans on prejudice reduction, modeling unbiased behavior, empathy development and cooperative learning); and
- Encouragement of parent participation in bullying behavior prevention initiatives.

Each school should intervene to put an end to bullying behavior, utilizing methods that reflect a commitment to restorative practices, which may include, but not be limited to:

- Immediate referral of the student harmed to appropriate support services in the school and community;
- Referral of those who caused harm to administrators for appropriate discipline;
- Recommendation that those who caused harm attend counseling to address underlying

behavior;

- Notification of parents of all those involved;
- Processes for resolution, such as restorative justice circles, led by an experienced circle leader;
- Ongoing actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the security of those harmed;
- Development of an Individualized Support Plan (“ISP”); and
- In the case of a student with a disability, convening an Individualized Education Program (IEP) meeting.
- Participation in community service (with parental consent)

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school’s responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur. All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated, and appropriate follow-up action will be taken. For further information, please see The Dignity for All Students Act: <http://www.p12.nysed.gov/dignityact/>

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, school counselors, student support staff, students, and parents—needs to understand what bullying is and the laws that prohibit such behavior. Clarifying schoolwide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looking) are vitally important to helping students play a pivotal role in bullying prevention.

Integral to preventing student-to-student bullying and/or bias-based behavior is effective social emotional learning that helps students develop core competencies. These fundamental life skills are: recognizing and managing their own emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically.

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment or bullying of any kind.

### **What is Bullying?**

Bullying is behavior that is intended to cause some kind of harm. The person doing the bullying purposely says or does something to hurt the target of their behavior.

Bullying behavior involves a real or perceived imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted.

Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group) that is repeated, or has the potential to be repeated, over time. The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done. More specifically, per [New York Education Law, Section 11 \(https://www.nysenate.gov/legislation/laws/EDN/11\)](https://www.nysenate.gov/legislation/laws/EDN/11):

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, 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 their 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. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Harassment and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents. Written discrimination, harassment, intimidation and/or bullying includes electronically transmitted communications and cyberbullying (e.g., via information technology including, but not limited, to: internet, cell phone, email, personal digital assistant wireless handheld device, social media, blogs, chat rooms, and gaming systems).

### **Bullying Is Not Conflict**

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do.

Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: “They were butting heads”; “They were going back and forth at each other”; “It was ‘he said/she said/they said.’” In these cases, both people are equally “telling their side of the story.”

In a conflict, people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people’s emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret.

People engaged in a conflict want the issue to be resolved. The “back and forth” that occurs is each person trying to make the case for what they want. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

#### **X. TRANSPORTATION TO AND FROM BOCES PROGRAMS**

It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of the other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards on school property. Students waiting for buses when not on school property are expected to conduct themselves in accordance with the district’s Behavioral Expectations and Supports document. It is the **home school district that is responsible** for inappropriate bus behavior and/or consequences in that situation. However, for students attending Ulster County BOCES in a full-day program, Ulster County BOCES has been given the authority to apply the Behavioral Expectations and Supports document, interventions and consequences.

##### **Student Transportation to Ulster BOCES**

Students must obtain permission **prior** to driving to school. Student must show a valid driving license.

Permission slips are available in the Ulster BOCES main office. Students must have the signatures of the home school principal, parent/guardian, employer, teacher and Ulster BOCES administrator.

Students will be given permission to drive if they are employed after school. Verification of student employment may be requested. Students MAY NOT TRANSPORT any other student under any circumstance. Driving privilege will be immediately terminated if this situation occurs.

Each driving request will be reviewed by Ulster BOCES administration on an individual basis. Driving privileges may be addressed by administrative review as needed.

#### **XI. PROHIBITED ITEMS: WEAPONS**

##### **Category I**

- Firearms, including pistols, starter guns, handguns, silencers, electronic darts, shotguns, rifles, machine guns, or any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive
- Stun guns/weapons
- Air guns, spring guns, or other instruments or weapons in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife, and cane sword (a cane that conceals a knife or sword)
- Daggers, stilettos, dirks, razorblades, box cutters, case cutters, utility knife, and all other knives
- Billy clubs, blackjack, bludgeon, chukka stick, and metal knuckles
- Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot
- Martial arts objects including kung fu stars, nunchucks, and shirkens

- Explosives, including bombs, firecrackers, and bombshells

### **Category II**

Note: Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance, and weight.

- Acid or dangerous chemicals (such as pepper spray, mace)
- Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Any deadly, dangerous, or sharp pointed instruments which can be used or is intended for use as a weapon (such as scissors, nail file that is four inches or longer and made of metal, broken glass, chains, wire).

## **XII. PROGRESSIVE DISCIPLINE**

The Board of Education expects students to conduct themselves in an appropriate and civil manner, with proper regard for themselves, the rights and welfare of other students, district personnel and other members of the school community. Respect for oneself, and all individuals in the BOCES environment are required. Students 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 consequences/penalties only when necessary and to place emphasis on the student's ability to grow in self-discipline and to learn socially acceptable behavior. This approach creates a culture where intervention and prevention maintain a culture of respect and honor.

The Board endorses, and students will 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:

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks accountability and positive behavioral change.

Progressive discipline prevents a recurrence of negative behavior by helping students learn from their mistakes. Assisting students who have engaged in negative behavior is essential to implementing progressive discipline. The goals are for students to:

- understand why the behavior is not aligned with behavior standards and the harm it has caused;

- understand what they could have done differently in the same situation;
- take responsibility for their actions;
- be given the opportunity to learn pro-social strategies and skills to use in the future; and
- understand the progression of more stringent responses if the behavior reoccurs.

Every reasonable effort must be made to correct student behavior through counseling and other school-based interventions such as restorative practices. Supports and interventions are essential because inappropriate behavior or violations of the Behavioral Expectations and Supports document may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students' education, and promote positive school culture. When a student's misconduct results in a placement out of the classroom, the school should consider, where appropriate, using the restorative welcome-back circle process as an effective strategy to support a successful return to the student's regular program.

For students with disabilities whose behavior impedes the student's participation in school, a functional behavioral assessment (FBA) is an essential tool to understand the causes of the student's behavior. A behavioral intervention plan (BIP) after an FBA provides specific approaches to address the student's behavior.

### **Determining the Disciplinary Response**

School officials must consult the Behavioral Expectations and Supports document when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts must be considered prior to determining the appropriate disciplinary measures:

- the student's age and maturity;
- the student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity, and scope of the behavior;
- the circumstances/context in which the conduct occurred;
  - For example:
    - Whether the student is or has been experiencing bullying behaviors or bullying classroom environments;
    - Whether the student was reacting or responding in self-defense;
    - Whether there was any effort to address the situation using positive, preventative methods prior to the incident;
    - Whether other interventions, such as positive behavior supports and restorative practices, can adequately address the behavior at issue while enabling the student to

- remain in school, and whether such interventions have been tried before; and
- Whether the student is being disciplined for engaging in bullying behavior and, if so, whether restorative practices have been in place, and whether restorative practices may be more effective than exclusionary discipline at addressing the situation.
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the social emotional status/needs of all persons involved in the behavior; and
  - For example:
    - Family or community situations; and
    - Substance use or addiction.
- the student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan), and/or 504 Accommodation Plan, if applicable.

Supports and interventions are an integral part of a comprehensive response to behavior.

### **XIII. PROGRESSIVE INFRACTION LEVELS**

Ulster BOCES Behavioral Expectations and Supports document holds students accountable for their behavior. Infractions are grouped into five levels based on the severity of the infraction. Whenever possible and appropriate, the response to misconduct should begin with the lowest level of disciplinary response and should include appropriate supports and intervention(s).

Progressive Infraction Levels: Infractions are grouped into five levels based on the severity of the infraction.

- Level 1 — Uncooperative/Noncompliant Behavior
- Level 2 — Disorderly Behavior
- Level 3 — Disruptive Behavior
- Level 4 — Aggressive or Injurious/ Harmful Behavior
- Level 5 — Seriously Dangerous or Violent Behavior

Each level of infractions provides a set of possible supports and interventions as well as a range of possible disciplinary responses that may be imposed by a teacher, principal, or the District Superintendent, or other designee of the District Superintendent. **As such, it is intended as a guide for principals, teachers, school staff, students, and parents only, and is not intended to limit the types of disciplinary responses that may be imposed where aggravating or mitigating factors justifying a harsher or lighter consequence are present.**

Schools should account for the developmental age of the student when determining whether a student has engaged in misbehavior covered by the Behavioral Expectations and Supports document.

The enumerated infractions are not all-inclusive. Students who engage in misconduct that is not listed in the Behavioral Expectations and Supports document are subject to appropriate disciplinary measures by the teacher, principal, or the District Superintendent, or other designee of the District Superintendent. This is based on the violation of school rules and it keeps with the standards for

addressing inappropriate behavior by students in grades K–12 as illustrated herein. To ensure that staff, students, and parents are aware of all expected standards of behavior, school rules must be in writing and available to all students and communicated in a grade-appropriate manner.

The Behavioral Expectations and Supports document provides graduated accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures. More severe accountability measures will be used for those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to using such penalties, school officials should exhaust less severe disciplinary responses in conjunction with supports and interventions.

### **Where and When the Behavioral Expectations and Supports Document Applies**

The standards set forth in the Behavioral Expectations and Supports document apply to behavior that occurs:

- on school property during school hours;
- before and after school, while on school property;
- while traveling on vehicles funded by the BOCES;
- at all school-sponsored events, whether on or off school property; and
- off school property when such behavior substantially disrupts the school environment, creates a reasonably foreseeable risk of substantial disruption to the school environment, or otherwise endangers the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures, or expressive behavior, the infraction applies to oral, written, or electronic communications, including but not limited to texting, e-mailing, and social networking.

**XIV. DISCIPLINE CODE INFRACTIONS:****Level 1 Infractions – Uncooperative/Noncompliant Behavior**

- Unexcused absence from school.
- Cutting classes (reporting to school and failing to attend one or more programmed classes).
- Being late for school or class.
- Bringing items to or using items in school in violation of Ulster BOCES school policy.
- Failing to be in one's assigned place on school premises.
- Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library, or hallway).
- Engaging in verbally rude or disrespectful behavior.
- Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process.
- Failing to provide school officials with required identification.
- Using school computers, fax machines, telephones, or other electronic equipment or devices without permission.

**Student supports and interventions may be used in lieu of or in tandem with disciplinary responses.**

**Supports and Interventions**

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Partner with the District and the Pupil Personnel Teams
- May be directed to the Building Level Support Team
- Restorative practices
- Formal restorative conference
- Short-term behavioral progress reports
- Social emotional learning

**Range of Possible Disciplinary Responses\***

- School staff meeting with teacher/staff and student to address the misbehavior and its impact
- Student/teacher conference
- Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- Parent conference
- In-school disciplinary response
  - Verbal warning
  - Written warning
  - Written notification to parent
  - Detention (in school or after school)
  - In school suspension
  - Suspension from transportation
  - Suspension from athletic participation
  - Suspension from social or extracurricular activities
  - Suspension from other privileges
  - Exclusion from a particular class
- Removal from classroom by teacher (for disruptive students only – see Section XVIII.)

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 21–24**. Further details about **disciplinary responses** can be found on **pages 18–21**.

## Level 2 Infractions – Disorderly Behavior

- Possession and/or use of cigarettes, electronic cigarettes, matches, lighters, and/or vaping devices.
- Gambling
- Using or engaging in profane, obscene, vulgar, or lewd language, gestures, or behavior.
- Lying to, giving false information to, and/or misleading school personnel.
- Misusing property belonging to others.
- Engaging in or causing disruptive behavior on the school bus.
- Inappropriate use of electronic technology (e.g., unauthorized audio/video recording).
- Leaving class or school premises without permission of supervising school personnel.

**Student supports and interventions may be used in lieu of or in tandem with disciplinary responses.**

### Supports and Interventions

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Partner with the District and the Pupil Personnel Teams
- May be directed to the Building Level Support Team
- Restorative practices
- Short-term behavioral progress reports
- Social emotional learning

### Range of Possible Disciplinary Responses\*

- School staff meeting with teacher/staff and student to address the misbehavior and its impact
- Student/teacher conference
- Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- Parent conference
- In-school disciplinary response
  - Verbal warning
  - Written warning
  - Written notification to parent
  - Detention (in school or after school)
  - In school suspension
  - Suspension from transportation
  - Suspension from athletic participation
  - Suspension from social or extracurricular activities
  - Suspension from other privileges
  - Exclusion from a particular class
- Removal from classroom by teacher (for disruptive students only – see Section XVIII.)

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 21–24**. Further details about **disciplinary responses** can be found on **pages 18–21**.

**Level 3 Infractions – Disruptive Behavior**

- Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process and/or poses a danger to the school community.
- Entering or attempting to enter a school building without authorization or through an unauthorized entrance.
- Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability.
- Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior toward students or school personnel (e.g., pushing past another person), or throwing an object (e.g., chalk), or spitting at another person.
- Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules.
- Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs) NOTE: In determining whether the behavior is gang-related, school officials may consult with the SRO/local law enforcement.
- Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means.
- Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others (if substantial damage to school property or property belonging to another person).
- Knowingly possessing property belonging to another without authorization.
- Violating the Ulster BOCES [Policy 7151: Acceptable Use Policy for Student Use of Electronic Communications and Telecommunications Equipment](#)
- Engaging in academic dishonesty which includes but is not limited to:
  - a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
  - b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source)
  - c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit) for particularly egregious situations (e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test)

**Student supports and interventions may be used in lieu of or in tandem with disciplinary responses.**

**Supports and Interventions**

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Partner with the District and the Pupil Personnel Teams
- May be directed to the Building Level Support Team
- Restorative practices
- Short-term behavioral progress reports
- Social emotional learning
- Welcome-back circle upon student's return from an out-of-school suspension

**Range of Possible Disciplinary Responses\***

- School staff meeting with teacher/staff and student to address the misbehavior and its impact
- Student/teacher conference
- Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its impact
- Parent conference
- In-school disciplinary response
  - Verbal warning
  - Written warning
  - Written notification to parent
  - Detention (in school or after school)
  - In school suspension
  - Suspension from transportation
  - Suspension from athletic participation
  - Suspension from social or extracurricular activities
  - Suspension from other privileges
  - Exclusion from a particular class
- Removal from classroom by teacher (for disruptive students only – see Section XVIII.)
- Principal's suspension for one to five school days (short term suspension)
- Superintendent's suspension for more than five days (long-term suspension)

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 21–24**. Further details about **disciplinary responses** can be found on **pages 18–21**.

**Addressing Level 4 and Level 5 Behaviors**

This progressive Behavioral Expectations and Supports document is predicated upon concurrent supports/interventions with a discipline response to address student misconduct so that students learn from their misbehavior. The Progressive Ladder of Support and Disciplinary Responses calls for universal prevention for all students and the early identification of students who are in need of additional and/or specific supports.

Schools must address Level 4 and 5 behavior in accordance with the Progressive Ladder of Support and Disciplinary Responses and the progressive approach to discipline set forth in this Behavioral Expectations and Supports document. The document provides a range of disciplinary responses for these types of behaviors to ensure that all relevant factors are considered in determining the appropriate response.

Suspensions for more than 20 school days are generally reserved for seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. However, administration may consider the presence or absence of aggravating or mitigating factors in determining whether a harsher or lighter consequence may be warranted.

**Students Who Are Repeatedly Substantially Disruptive of the Educational Process or Repeatedly Substantially Interferes with the Teacher's Authority over the Classroom**

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

**Students Who Commit Violent Acts Other Than Bringing or Possessing Certain Weapons on School Property**

Any student, other than a student with a disability, 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 one-day. If the proposed consequence is the minimum one-day suspension, the student and the student's parent/guardian 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 consequence exceeds 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 Superintendent has the authority to modify the minimum one-day suspension on a case-by-case basis. In deciding whether to modify the consequence the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

#### **Level 4 Infractions – Aggressive or Injurious/Harmful Behavior**

- Engaging in sexual conduct on school premises or at school-related functions.
- Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images).
- Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including but not limited to posting such material on the Internet.
- Engaging in physically aggressive behavior other than minor altercations which creates a substantial risk of or results in minor injury.
- Coercing, threatening, planning, or instigating an act of violence, injury, or harm to other(s).
- Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury.
- Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass. (Where behavior involves physical violence).
- Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.
- Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol.
- Falsely activating a fire alarm or other disaster alarm.
- Making a bomb threat.
- Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force, or intimidating behavior.
- Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer).
- Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer).
- Inciting/causing a riot.
- Possessing, displaying, or selling any weapon as defined in Category II (NOTE: Before requesting or imposing a suspension for possession of or displaying an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance, and weight. See page 29 for more information.

- Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol.

**Student supports and interventions may be used in tandem with disciplinary responses.**

**Supports and Interventions**

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation
- Positive behavioral interventions and supports (PBIS)
- Referral to a community-based organization (CBO)
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Partner with the District and the Pupil Personnel Teams
- May be directed to the Building Level Support Team
- Restorative practices
- Formal restorative conference
- Short-term behavioral progress reports
- Social emotional learning
- Welcome-back circle upon student's return from an out-of-school suspension

**Range of Possible Disciplinary Responses\***

- Parent conference
- In-school disciplinary response
  - Verbal warning
  - Written warning
  - Written notification to parent
  - Detention (in school or after school)
  - In school suspension
  - Suspension from transportation
  - Suspension from athletic participation
  - Suspension from social or extracurricular activities
  - Suspension from other privileges
  - Exclusion from a particular class
- Removal from classroom by teacher (for disruptive students only – see Section XVIII.)
- Principal's suspension for one to five school days
- Superintendent's suspension for more than five days

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 21–24**. Further details about **disciplinary responses** can be found on **pages 18–21**.

### **Level 5 Infractions – Seriously Dangerous or Violent Behavior**

- Starting a fire.
- Using force to take or attempt to take property belonging to another.
- Using force against, or inflicting, or attempting to inflict serious injury against school personnel or school safety agents.
- Using extreme force against or inflicting or attempting to inflict serious injury upon students or others.
- Instigating, or participating with another or others, in an incident of group violence (for students who commit physical violence).
- Engaging in dangerous or violent behavior that is gang-related NOTE: In determining whether the behavior is gang-related, school officials may consult with the SRO/local law enforcement.
- Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity.
- Selling or distributing illegal drugs or controlled substances and/or alcohol.
- Possessing or selling any weapon as defined in Category I, other than a firearm, bomb, or other explosive.
- Using any weapon as defined in Category II to threaten or to attempt to inflict injury upon school personnel, students, or others.
- Using any weapon as defined in Category I, other than a firearm, bomb or other explosive, to threaten or to attempt to inflict injury upon school personnel, students, or others.
- Using any weapon as defined in Category I or II, other than a firearm, bomb, or other explosive, to inflict injury upon school personnel, students, or others.
- Possessing or using a firearm, bomb, or other explosive, as defined in Category I.

**Student supports and interventions may be used in tandem with disciplinary responses.**

**Supports and Interventions**

- Collaborative problem solving
- Community service (with parental consent)
- Conflict resolution
- Development of Individual behavioral contract
- Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)
- Guidance conference
- Individual/group counseling
- Individualized Support Plan
- Intervention by counseling staff
- Mentoring
- Parent Outreach
- Peer Mediation
- Positive behavioral interventions and supports
- Referral to appropriate substance abuse counseling services
- Referral to a community-based organization
- Referral to counseling services for (bias-based) bullying, intimidation, or harassment
- Referral to counseling services for youth relationship abuse or sexual violence
- Referral to mental health support services
- Partner with the District and the Pupil Personnel Teams
- May be directed to the Building Level Support Team
- Partner with Substance Abuse Prevention and Intervention Services
- Restorative practices
- Formal restorative conference
- Short-term behavioral progress reports
- Social emotional learning

**Range of Possible Disciplinary Responses\***

- Parent conference
- In-school disciplinary response
  - Verbal warning
  - Written warning
  - Written notification to parent
  - Detention (in school or after school)
  - In school suspension
  - Suspension from transportation
  - Suspension from athletic participation
  - Suspension from social or extracurricular activities
  - Suspension from other privileges
  - Exclusion from a particular class
- Removal from classroom by teacher (for disruptive students only – see Section XVIII.)
- Principal’s suspension for one to five school days
- Superintendent’s suspension for more than five days

**\*NOTE:** Further details about **supports and interventions** can be found on **pages 21–24**. Further details about **disciplinary responses** can be found on **pages 18–21**.

**XV. STUDENT DRESS CODE**

Our community takes pride in the appearance of our students. Clothes can reflect the quality of the school, conduct, and schoolwork. Students are expected to dress in a manner that is appropriate for the educational setting. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

***The following constitutes Ulster BOCES' expectations for students' dress, grooming and appearance while on BOCES property or attending BOCES events:***

- student dress, grooming and appearance must be safe, appropriate and not disrupt or interfere with the educational process; (e.g. the wearing of pajamas or gang affiliated clothing is not allowed. The wearing of outerwear, book bags, heavy vests, layered garments and/or headgear is not allowed. These garments must be stored in lockers while in school. Heavy jewelry, hanging pocket chains and jewelry with spikes that can injure others is not allowed.)
- no hats or head coverings worn inside the school except for medical or religious purposes or for a specific purpose or trade setting;
- shorts, skirts and dresses must be even with or longer than a student's finger tips when their arms are hanging freely at their sides;
- students must be dressed in appropriate clothing and protective equipment as required for physical education classes, participation in athletics, science laboratories, home and career skills classes, Career & Tech and other similar areas; footwear is to be included at all times; footwear that is a safety hazard will not be allowed.

***The following items will be considered a violation of the Ulster County BOCES dress code:***

- see through and/or plunging necklines, tube tops, spaghetti straps;
- visible undergarments (must be covered with outer clothing);
- clothing that promotes alcohol, tobacco, illegal drugs, encourage other illegal/violent activities;
- clothing that displays vulgar, obscene, or libelous subject matter or images that are denigrating to others.

Each program administrator or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year, later in the year when a student is admitted to a program and of any revisions to the dress code made during the school year. Students who violate the dress code shall be required to modify their appearance by covering or removing the offending item and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so is deemed insubordinate and shall meet with the program administrator or his/her designee for additional disciplinary action as appropriate.

**XVI. REPORTING VIOLATIONS OF THE BEHAVIORAL EXPECTATIONS AND SUPPORTS DOCUMENT**

Any violation of the Behavioral Expectations and Supports document shall be reported immediately to the program administrator or any Ulster BOCES administrator.

The Superintendent and/or designee must notify the appropriate local law enforcement agency of those violations that constitute a crime and substantially affect the order or security of a school. 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 Behavioral Expectations and Supports document and constitute a crime.

**Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination, and/or harassment by an employee or student, on Ulster BOCES grounds or at an Ulster BOCES function, who acts reasonably in good faith and reports such information to BOCES officials or law enforcement authorities, shall according to New York State Law, have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of complaint of bullying, discrimination and/or harassment.

**XVII. DISCIPLINARY MEASURES**

***Disciplinary measures authorized by the Behavioral Expectations and Supports document may include, but are not limited to the following:***

- Verbal warning
- Written warning
- Written notification to parent
- Detention (in school or after school)
- In-school suspension
- Suspension from transportation
- Suspension from athletic participation
- Suspension from social or extracurricular activities
- Suspension from other privileges
- Exclusion from a particular class
- Suspension from school for up to five (5) school days
- Suspension from school in excess of five (5) days
- Suspension from school for at least one (1) year for possession of a weapon pursuant to the Gun-Free Schools Act of 1994 (subject to the right of the Superintendent to modify such consequence) or, in the case of a student with a disability whose possession of a weapon is determined to be related to his/her disability, placement in an interim alternative educational setting for a period of up to forty-five (45) days;
- placement in an interim alternative educational setting for a period of up to forty-five (45) days, in the case of a student with a disability whose knowing possession or use of illegal drugs, or sale or solicitation of the sale of a controlled substance at a school or a school function and

at times when a student makes serious threats to loss of life, is determined to be related to his/her disability;

- permanent suspension (expulsion); and
- other based on administrative decision.

#### **XVIII. REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM BY A TEACHER**

A disruptive student is defined as a student who, despite previous intervention strategies, has failed to comply with classroom expectations and interferes with classroom instruction and/or learning. Grounds for removal include but are not limited to the following:

- refusal to comply with teacher's direction;
- excessive arguing with teacher;
- poses a danger e.g. physical and/or verbal behavior which in any ways threatens staff or students.

Students may be removed for a maximum of five class periods from that class only. The student will be permitted to attend all other classes. For the duration of the removal, the following conditions apply:

##### **If the student poses an immediate danger, the teacher will:**

- remove the student, explain the reason and allow an opportunity for the student to be heard regarding the incident within 24 hours or the next school day;
- supply class work for the student; and
- inform the principal or designee of reasons for removal and demonstrate previous intervention strategies applied.

##### **If the student does not pose an immediate danger, the teacher will:**

- before removing, explain the basis for removal and allow the student to informally present his/her version of relevant events; and
- provide the student with classwork so that the removal has minimal impact on the student's learning process;
- inform the principal or designee of reasons for removal.

##### **Principal's or designee's responsibilities triggered by teacher removal are:**

- notification of the parent within 24 hours of the teacher's reasons for the removal (see also Removals of Students with Disabilities section: Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he/she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.);
- on request, student/parent must be given an opportunity to discuss reasons with principal or designee; teacher must attend to provide substantiation and clarification;

- if student denies the charges, student/parent must be given explanation of the basis for the removal and an opportunity to present his/her version; this should take place within 24 hours of removal; and
- principal or designee must decide, by the close of business on the day following the opportunity to be heard by the principal or designee, whether or not the discipline will be set aside; the principal or designee may only set aside discipline if:
  - The charges against the student are not supported by substantial evidence.
  - The student's removal is in violation of the law.
  - The conduct warrants suspension and the suspension will be imposed.

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

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

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

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

The Principal and the teacher must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he/she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Ulster County BOCES shall provide continued educational programming and activities for students with a disability who are removed from their classrooms.

An appeal brought by the parent or student over the age of 18 of an administrator's removal decision must be presented to the District Superintendent or designee prior to any further appeal.

The Board of Education, District Superintendent, Superintendent of Schools, a program administrator or in his/her absence, an acting program administrator, may suspend a student from school where it is determined that the student:

- Is insubordinate or disorderly, or exhibits conduct which endangers the safety, morals, health or welfare of others;
- exhibits a physical or mental conditions(s) which endangers the health, safety or morals of himself/herself or of other student; or
- is removed from a classroom for substantially disrupting the educational process or substantially interfering with the teacher's authority in the classroom.

In addition to the statutory grounds for suspension from school for conduct or health condition, students shall also be subject to suspension based upon a violation of the specific disciplinary infractions listed in this Behavioral Expectations and Supports document.

### ***Suspensions of Five Days or Less***

Prior to a proposed suspension from school for between one and five days by a Building Principal or an acting Principal in the absence of the Building Principal, the student and his/her parent shall be notified, in writing and by telephone, if possible, within 24 hours of the decision to suspend. Such written notice shall include a description of the incident(s) resulting in the suspension and shall inform the parent of their right to request an immediate informal conference with the Principal or designee at which the student may present the student's version of the event and ask questions of complaining witnesses. The notice and opportunity for an informal conference shall be given prior to the suspension of the student, unless the student's presence in the school poses a continuing danger to persons or property, or an ongoing threat to the academic process in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably possible.

Suspensions for up to five (5) days may be ordered by the building principal, or designee after the pupil has received oral or written notice of the charges against him/her. If such charges are denied by the pupil, an explanation of the evidence against the pupil and an opportunity by the pupil to present his/her side of the story will be provided by the District. The foregoing requirements of notice, explanation and opportunity to present the pupil's side shall not be deemed to require more than an informal discussion with the pupil. Informal discussion may occur even minutes after the alleged misconduct.

1. If a suspension of five days or less is determined to be the appropriate form of disciplinary action, the Principal or designee shall immediately notify the student orally or in writing, and shall immediately notify the student's parent(s) or guardian(s) in writing that the student has been suspended from school.

2. Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of the notice within 24 hours of the suspension at the last known address(es) to the parent(s) or guardian(s). The principal or designee shall also take steps to notify the parent or guardian by telephone of the suspension. The notice shall provide a description of the charges against the student, and the incident(s) which resulted in the suspension and shall inform the parent(s) or guardian(s) of their right to request an immediate informal conference with the Principal or designee. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parent(s) or guardian(s).
3. At this conference, the parent(s) or guardian(s) shall be permitted to ask questions of complaining witnesses under such procedures as may be established by the Principal or designee. After the conference, the Principal or designee shall promptly advise the parent(s) or guardian(s) of his/her decision and that they may appeal the decision to the Board.
4. The Principal or designee shall notify the Superintendent of the name of each student suspended, the reason for the suspension, the evidence supporting the suspension, and the length of the suspension.

#### ***Suspensions of More than Five Days***

Suspension for more than five (5) days may be ordered by the District Superintendent, designee or the Board of Education, but only after the pupil and his parents shall have had an opportunity for a fair hearing upon reasonable notice. At the hearing, the pupil shall be entitled to be represented by a lawyer and shall have the right to cross-examine witness(es) against him/her. The record of the hearing shall be kept, either stenographical or by tape recorder. If the hearing shall be before the District Superintendent, the pupil shall have a right to appeal to the Board of Education. Either the District Superintendent or the Board of Education shall have the right to designate a hearing officer, who shall conduct the hearing, make findings of fact and recommend the appropriate measure of discipline.

1. If the Principal or designee determined that a suspension of more than five days is warranted he/she shall refer the case to the Superintendent. If the Superintendent agrees that a suspension of more than five days may be a potential consequence of the alleged conduct, the Superintendent shall give reasonable notice to such student and parent(s) or guardian(s) of their right to a fair hearing and of the charges against the student.
2. The charges in the notice shall be sufficiently specific to advise the student and his/her counsel of the incidents which have given rise to the proceeding and will form the basis for the hearing.
3. If the student or his/her parent(s) or guardian(s) request a hearing, the Superintendent may personally hear and determine the proceeding or may, in his/her discretion, designate a hearing officer to conduct the hearing. The Superintendent/hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him/her.
4. At the hearing, the student shall have the right:
  - to have his/her parent(s) or guardian at the hearing;
  - to representation by counsel;
  - to question witnesses against him/her

- to testify on his/her behalf; and
  - to present other witnesses and evidence on his/her behalf.
5. A record of the hearing shall be maintained, but no stenographic transcript shall be required and a tape and/or digital recording shall be deemed a satisfactory record.
  6. The Superintendent shall make a determination of guilt or innocence based on competent and substantial evidence regarding whether the student participated in the conduct of which he/she is accused. Thereafter, if the Superintendent finds the student guilty, the Superintendent shall determine the consequence to be imposed. In assessing the consequence, the Superintendent may consider the student's anecdotal record provided the parent(s) or guardian(s) have been notified of the District's intent to offer the anecdotal record for consideration on the issue of the consequence to be assessed. The parent(s) or guardian(s) shall be offered the opportunity to review and rebut the contents of the student's anecdotal records prior to the assessment of a consequence.
  7. If the hearing is presided over by a hearing officer, he/she shall make finding of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.
  8. Any appeal of the decision of the Superintendent shall be made to the Board which will make its decision solely upon the record before it. The Board may adopt in whole or in part the decision of the Superintendent.
  9. The decision of the Board may be appealed to the Commissioner of Education.

### ***Alternative Instruction***

Where a student of compulsory education age is suspended, immediate steps for his/her alternative instruction shall be taken.

### ***Revocation of Suspension***

The Board may, on its own initiative, revoke the suspension of a student whenever it appears to be in the best interest of the school and the student to do so.

### ***PINS Petitions***

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

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

***Referrals to Human Service Agencies***

When any student need is beyond the scope of the district's resources, a referral to appropriate human service agencies will be made. All administrators, faculty, pupil services personnel, and other support staff will serve as mandated reporters of child abuse or neglect. They will communicate these and other referrals through the principal or his/her designee.

***Juvenile Delinquents and Juvenile Offenders***

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

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

The superintendent is required to refer students 16 years of age and older or any students 14 or 15 years of age who qualify for juvenile offender status to the appropriate law enforcement authorities.

Upon recommendations of staff, additional counseling services can be given to specific students when necessary.

**XIX. DISCIPLINE OF STUDENTS WITH DISABILITIES**

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 in the home district. The Building Intervention Team or program administrator will be contacted to work with the teacher, and home school to design a functional behavior assessment and behavior intervention plan. Discipline, if warranted, shall be administered consistent with the separate requirements of the Behavioral Expectations and Supports document for disciplining student with a disability.

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

This Behavioral Expectations and Supports document affords student with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state laws and regulations.

***Authorized Suspension or Removals of Students with Disabilities:***

For purposes of this section of the Behavioral Expectations and Supports document, the following definitions apply:

A **"suspension"** means a suspension pursuant to Educational Law 3214.

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

The District Superintendent, program administrator, or his/her designee may suspend a student with a disability from his or her current educational placement.

- A suspension without a hearing may not exceed five consecutive school days for any one student and not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- The District Superintendent may suspend up to five consecutive school days, inclusive of any period in which the learner has been suspended or removed, if the District Superintendent determines that the student engaged in behavior that warrants a suspension and the suspension does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

#### ***Change of Placement Rule***

A disciplinary change in placement means a suspension or removal from a student’s current educational placement that is either:

- more than 10 consecutive days; or;
- for a period of less than 10 consecutive school days if the student is subjected to a series of suspensions or removals that constitutes a pattern because they cumulate no more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and proximity of the suspensions or removal to one another.

A student with a disability may be ordered into an IAES (Interim Alternative Educational Setting) if so determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline. *Change in placement to an IAES for behavior involving serious bodily injury, weapons, illegal drugs or controlled substances.* (1) A superintendent of schools, either directly or upon recommendation of a hearing officer designated to conduct a superintendent’s hearing pursuant to Education Law, section 3214(3)(c), may order the change in placement of a student with a disability to an appropriate IAES, to be determined by the CSE, for up to 45 days.

The BOCES may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, because it is for more than 10 school days or because it is based on a pattern of suspension or removals if the CSE has determined that the behavior was not a manifestation of the student’s disabilities.

#### ***Building Intervention Team***

When a student's education is disrupted by a suspension of more than 10 days, a Building Intervention Team (BIT) Meeting is to be coordinated with Ulster BOCES staff, the home school district CSE, the student's parents or guardians and, when appropriate, outside agencies, i.e. Youth Advocate Program, Probation, etc.

The Building Intervention Team Meeting shall:

- Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the Ulster BOCES is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal and/or prescription drugs or controlled substances and in some cases serious threats to cause loss of life to another person.
- If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his/her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement; the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.
- If one or more members of the home district's CSE or Ulster BOCES believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

### ***Manifestation Hearing***

Before an IAES may be meted out for a student classified or deemed to be known as having a disability under the Individuals with Disabilities Education Act (hereinafter "IDEA")(a student with an educational disability,) the Committee on Special Education (hereinafter the "CSE) must make a determination of whether the conduct underlying the charges was a manifestation of the disability:

- If a manifestation is found between the disability and the conduct, the 3214 proceeding must be discontinued (except for weapons, drugs and dangerous behavior) and the matter placed under the jurisdiction of the CSE for any further consideration. The CSE must register a referral and bring about an evaluation in the case of a student who may be deemed to be known as having a disability, or, if the student is already classified under IDEA, it must consider possible program modification and disposition on a non-disciplinary basis.
- If no manifestation is found, yet nonetheless a disability is indicated or has been identified, discipline may be imposed upon remand to the 3214 Hearing Officer. The relevant disciplinary procedures applicable to children without disabilities may thereafter be applied in the same manner with respect to children with disabilities, as long as the child continues to receive a free appropriate public education during any such term of suspension.
- Where no manifestation is found and no suspected disability is determined to exist, the matter shall be remanded to the 3214 Hearing Officer for a determination of consequence.

Any consequence imposed may not be based on past behavior for which a manifestation determination was not made.

The school district must continue to provide a free appropriate public education to students who have been suspended from school.

### ***Suspension for Misconduct Involving Weapons and/or Drugs***

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 for up to forty-five (45) days (less if the discipline is for a non-disabled student), if the student carries a weapon to school or a school function, or knowingly possesses or uses illegal drugs and/or prescription drugs, or sells or solicits the sale of a controlled substance while at school or a school function and, in some instances, makes serious threats to cause loss of life to another person.

- In accordance with law, 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.
- In accordance with law, 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.

Before a student is suspended and placed in an interim alternative educational setting for up to 45 days for behavior involving weapons and/or drugs, the CSE must conduct a manifestation determination.

- Placement in an interim alternative educational setting as a result of conduct involving weapons and/or drugs is not contingent upon a CSE determination that the misconduct is not related to the student’s disability.
- It is up to the CSE to determine what would constitute an interim alternative educational setting that would meet the requirements of the student’s IEP and enable the student to participate in the general curriculum (although in another setting).

The exception for the suspension/removal of students with educational disabilities for up to 45 days for conduct involving weapons and/or drugs does not apply to students whose disabilities are founded solely upon 504/Title II ADA.

Such an interim alternative education shall be deemed the student’s “stay put” placement during the pendency of any due process proceedings contesting the interim alternative educational setting for the duration of the interim placement.

## **XX. SEARCHES**

Whenever possible, student searches will be conducted in the privacy of administrative offices. If possible, students will be present when their possessions are being searched. Vehicles located on school grounds are subject to search.

***Student Lockers, Desks, and other School Storage Places***

The rules in the Behavioral Expectations and Supports document regarding searches of students and their belongings apply to students' lockers, desks, computers and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means the student lockers, desks school storage places, and computers may be subject to search at any time by school officials, without prior notice to students and without their consent.

***Documentation of Search***

The BOCES official such as the District Superintendent, Assistant Superintendent, Program administrator, school nurses, and teachers as the designee of an administrator shall be responsible for promptly recording the following information about each search of a student's person or belongings:

- name, age and grade of student search;
- reason(s) for the search;
- name of any informants (maintain confidentiality);
- purpose of search (that is, what item(s) were being sought);
- type and scope of search;
- person conducting the search and his or her title and position;
- witnesses, if any, to the search;
- time and locations of the search;
- results of the search (that, what item(s));
- disposition of item(s) found;
- time, manner and results of parental notification; and
- any consent to the search by the student or parent.

The program Superintendent or his or her designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item(s) taken from a student. The program administrator or his/her designee shall retain control of item(s), unless the item(s) are turned over to the police. The police shall be responsible for personally delivering dangerous or illegal item(s) to police authorities.

***Questioning & Interrogation of Students by School Officials:***

School officials have the right to conduct investigations and question students regarding any violations of school rules and/or illegal activity. The student's parent/guardian may be contacted depending upon the nature and reasoning for the questioning and the necessity for further action which may result. School officials are not required to give students "rights" prior to questioning them. The mere presence of a school resource officer during questioning as part of routine school discipline procedure does not constitute a formal police investigation.

The questioning of students by school officials does not preclude subsequent questioning by police authorities as otherwise permitted by law.

***Police Involvement in Searches and Interrogation of Students:***

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

- a search or an arrest warrant;
- probable cause to believe a crime has been committed on school property or at a school function;
- been invited by school officials; or
- been in pursuit of the person to be searched.

When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. When a student is under the age of 16 and police are present for an interview or investigations, school officials must make every reasonable effort to notify the student's parent(s), unless the police indicate that such interview concerns a student's parent(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect.

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

- they must be informed of their legal rights;
- they may remain silent if they so desire; and
- they may request the presence of an attorney.

### ***Drug Detecting Canines***

On occasion school officials may allow drug detecting canines on school property. Searches of this nature will be conducted without students present or during a building lock down.

### ***Purpose and Philosophy***

To establish a school climate conducive to learning and the prevention of student drug use and abuse.

Pursuant to law and this Behavioral Expectations and Supports, students have no reasonable expectation of privacy right in school lockers, desks or other school storage places under the control of school authorities. The Superintendent shall give notice to all students that lockers, desks and other school storage places may be subject to inspections at any time by school officials. The Superintendent shall also give notice to all students that lockers and other school storage places may be subject to detection of illegal contraband by dogs.

### ***Child Protective Services Investigations***

Consistent with the BOCES' commitment to keep students safe from harm and the obligation of school officials, mandated New York State reporters must report to Child Protective Services when they have reasonable cause to suspect that a student has been abused or maltreated. The BOCES recognizes the obligation of school officials as mandated New York State reporters. The 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 (CPS) to interview a student on school property shall be made directly to the program administrator or his/her designee. The program administrator or his/her designee shall:

- arrange the interview as requested by the CPS worker;
- decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations;
- if the nature of the allegations is such that it may be necessary for the student to remove any of his/her clothing, the school nurse or other BOCES medical personnel must be present during that portion of the interview; and
- no student may be required to remove his/her clothing in front of a Child Protective Services worker or district official of the opposite sex.

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

#### **XXI. CORPORAL PUNISHMENT**

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

#### **XXII. EMERGENCY INTERVENTION**

In situations where behavioral intervention procedures and methods are not reasonably effective, then use of physical intervention techniques may be used to:

- protect oneself, another student, teacher or any person from physical injury;
- protect the property of the school or others; and/or
- 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.

**XXIII. THE APPEALS PROCESS**

A formal appeal may be filed with respect to the imposition of a disciplinary procedure or consequence in the following instances:

- **To appeal the imposition of a short-term suspension (5 days or less) parent must:**
  - File a written appeal to the Superintendent within five (5) business days of the administrator's decision, unless they can show extraordinary circumstances precluding them from doing so.
  - The Superintendent will issue a written decision regarding the appeal within ten (10) business days of receiving the appeal.
  - If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so.
  - Only final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.
  
- **To appeal the imposition of a long-term suspension (more than 5 days) parents must:**
  - File a written appeal to the Board of Education with the District Clerk within twenty (20) business days of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so.
  - The Board shall review the record of the proceedings before the Superintendent or his/her Hearing Officer including a review of the transcripts. The Board does not provide the respective parties the opportunity to present evidence not previously in the record or to make arguments in person before the Board. The Board may adopt in whole or in part the decision of the Superintendent.
  - Final decisions of the Board of Education may be appealed to the Commissioner within thirty (30) days.
  
- **These penalties can be appealed as follows:**
  - Detention – can only be imposed after the student's parents have been notified to confirm that there is no parental objection to the consequence and that the student has appropriate transportation home following detention. Ulster County BOCES shall provide continued educational programming and activities for student's assigned detention.
  - Suspension from Transportation – a student is not entitled to a full hearing pursuant to Education Law 3214, however, the student and the student's parents will be provided with a reasonable opportunity for an informal conference with the program administrator or the administrator's designee to discuss the conduct and the consequence involved.
  - Suspension from athletic participation, extra-curricular activities and other privileges – a student 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 consequence involved.

- In-school suspension – a student 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 consequence involved.

#### **XXIV. VISITORS OF ULSTER BOCES**

The Ulster Board of Cooperative Educational Services (Ulster BOCES) encourages parents, community members and other citizens to visit Ulster BOCES' programs and classrooms to observe the work of students, teachers and other staff. However, since our facilities are places of work and learning, certain limits must be set for such visits. The building and/or facility administrator or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to Ulster BOCES programs:

- Anyone who is not an Ulster BOCES staff member or an Ulster BOCES student will be considered a visitor.
- All visitors to the instructional program must report to the office of the program administrator upon arrival at the facility. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the facility or on the Ulster BOCES grounds. The visitor must return the identification badge to the program administrator's office before leaving the building.
- Visitors attending Ulster BOCES functions that are open to the public, such as parent-teacher organization meetings or public gatherings are not required to register.
- Parents or citizens who wish to observe a classroom while instructional programs are in session are required to arrange such visits in advance with the classroom teacher(s) and program administrator, so that class disruption is kept to a minimum.
- Teachers are not expected to take class time to discuss individual matters with visitors.
- Any unauthorized person on Ulster BOCES property will be reported to the program administrator or his/her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- All visitors are expected to abide by the rules for public conduct on Ulster BOCES property contained in the Behavioral Expectations and Supports document.

#### **XXV. PUBLIC CONDUCT ON ULSTER BOCES PROPERTY**

The Board of Cooperative Educational Services (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 Ulster BOCES property and at Ulster BOCES functions. For purposes of this section of the document, "public" shall mean all persons when on Ulster BOCES property or attending an Ulster BOCES function including students, teachers and other Ulster BOCES personnel.

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

All persons on Ulster BOCES property or attending an Ulster BOCES function shall conduct themselves in a respectful and orderly manner. In addition, all persons on Ulster BOCES property or attending an Ulster BOCES function are expected to be properly attired for the purpose they are on Ulster BOCES property. Please note the dress code section herein.

#### **XXVI. SCHOOL PROGRAMS TO SUPPORT POSITIVE BEHAVIOR**

Ulster BOCES currently has various policies in place which allow students the opportunity to be successful. The implementation of various policies and programs will result in fewer disciplinary problems and will help foster positive behaviors.

School Programs and/or policies that foster an expansive, progressive, and a positive approach to discipline may include, but are not limited to:

- Special Presentations & Assemblies
- Collaboration with community based programs
- Positive Behavior Intervention & Support (PBIS)
- Interdisciplinary activities between BOCES divisions
- College Presentations/visitations
- Special counseling and psychological services
- SKILLSUSA for CTE students
- School Resource Officer
- Student Leadership Council
- Capstone

#### **XXVII. STAFF DEVELOPMENT**

##### **Professional Development:**

Ulster BOCES is committed both philosophically and by contract to offer a wide-range of in-service and staff development opportunities to all District Employees.

The available supports offered to staff may include but are not limited to:

- Orientation
- Mentoring
- Observations
- Team Meetings
- Annual Programs on SAVE, DASA, BloodBorne Pathogens, CPR, and AED
- On-going professional development

***Prohibited Conduct***

No person, either alone or with others, shall:

- intentionally injure any person or threaten to do so;
- intentionally damage, remove or destroy Ulster BOCES property or the personal property of a teacher, administrator, other employees or any person lawfully on Ulster BOCES property. Such actions include graffiti or arson;
- disrupt the orderly conduct of classes, Ulster BOCES programs or other Ulster BOCES activities;
- distribute or wear materials on Ulster BOCES grounds or at Ulster BOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the Ulster BOCES program;
- intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
- enter any portion of the Ulster BOCES premises without authorization or remain in any building or facility after it is normally closed;
- obstruct the free movement of any person in any place to which this document applies;
- violate the traffic laws, parking regulations or other restrictions on vehicles;
- possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on Ulster BOCES property or at a Ulster BOCES function;
- possess or use weapons in or on Ulster BOCES property or at a Ulster BOCES function, except in the case of law enforcement officers or except as specifically authorized by the Ulster BOCES organization;
- loiter on or about Ulster BOCES property;
- gamble on Ulster BOCES property or at Ulster BOCES functions;
- refuse to comply with any reasonable order of identifiable Ulster BOCES officials performing their duties;
- willfully incite others to commit any of the acts prohibited by this document;
- violate any federal or state statute, local ordinance or board policy while on Ulster BOCES property or while at an Ulster BOCES function; and
- smoke on school property.

**XXVIII. DISSEMINATION AND REVIEW**

***Dissemination of Behavioral Expectations and Supports Document***

The Board will work to ensure that the community is aware of the Behavioral Expectations and Supports Document by:

- Providing copies of a summary of the Behavioral Expectations and Supports document to all students at a general assembly held at the beginning of each school year.
- Making copies of the document available to all parents at the beginning of the school year.
- Providing all current teachers and other staff members with a copy of the document and a copy of any amendments to the document as soon as practicable after adoption.
- Providing all new employees with a copy of the current Behavioral Expectations and Supports document when they are first hired.
- Making copies of the document available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all Ulster BOCES staff members to ensure the effective implementation of the Behavioral Expectations and Supports document. The District Superintendent may solicit the recommendations of Ulster BOCES staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The Board of Education will review this Behavioral Expectations and Supports document every year and update it as necessary. In conducting the review, the Board will consider how effective the Behavioral Expectations and Supports document provisions have been and whether the document has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the document and the Ulster BOCES response to Behavioral Expectations and Supports document violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, Ulster BOCES safety personnel and other Ulster BOCES personnel.

Before adopting any substantial revisions to the Behavioral Expectations and Supports document, the Board will hold at least one public hearing at which Ulster BOCES personnel, parents, students and any other interested party may participate.

The Behavioral Expectations and Supports document and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## APPENDIX A

### Dignity for All Students Act

#### ARTICLE 2 DIGNITY FOR ALL STUDENTS

- Section 10. Legislative intent.**
- Section 11. Definitions.**
- Section 12. Discrimination and harassment prohibited.**
- Section 13. Policies and guidelines.**
- Section 14. Commissioner's responsibilities.**
- Section 15. Reporting by commissioner.**
- Section 16. Protection of people who report discrimination or harassment.**
- Section 17. Application.**
- Section 18. Severability and construction.**

**§ 10. Legislative intent.** The legislature finds that students' ability to learn and to meet high academic standards, and a school's ability to educate its students, are compromised by incidents of discrimination or harassment including bullying, taunting or intimidation. It is hereby declared to be the policy of the state to afford all students in public schools an environment free of discrimination and harassment. The purpose of this article is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission.

**§ 11. Definitions.** For the purposes of this article, the following terms shall have the following meanings:

1. "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, as defined in section one hundred forty-two of the vehicle and traffic law.
2. "School function" shall mean a school-sponsored extra-curricular event or activity.
3. "Disability" shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law.
4. "Employee" shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.
5. "Sexual orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.
6. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.
- \*7. "Harassment" shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 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 safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. \* NB Effective until July 1, 2013
- \*7. "Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, 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. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term, "threats, intimidation or abuse" shall include verbal and non-verbal actions. \*NB Effective July 1, 2013 \*8. "Cyberbullying" shall mean harassment or bullying as defined in subdivision seven of this section, including paragraphs (a), (b), (c) and (d) of such subdivision, where such harassment or bullying occurs through any form of electronic communication. \*NB Effective July 1, 2013

**§ 12. Discrimination and harassment prohibited.** \* 1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973. \* NB Effective until July 1, 2013 \*1. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973. \*NB Effective July 1, 2013 2. An age-appropriate version of the policy outlined in subdivision one of this section, written in plain-language, shall be included in the code of conduct adopted by boards of education and the trustees or sole trustee pursuant to section twenty-eight hundred one of this chapter and a summary of such policy shall be included in any summaries required by such section twenty-eight hundred one.

**\*§ 13. Policies and guidelines.** The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to: 1. Policies intended to create a school environment that is free from discrimination or harassment; 2. Guidelines to be used in school training programs to discourage the development of discrimination or harassment and that are designed: a. to raise the awareness and sensitivity of school employees to potential discrimination or harassment, and b. to enable employees to prevent and respond to discrimination or harassment; and 3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school 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, and sex. \*NB Effective until July 1, 2013 \*§ 13. Policies and guidelines. The board of education and the trustees or sole trustee of every school district shall create policies, procedures and guidelines that shall include, but not be limited to: 1. Policies and procedures intended to create a school environment that is free from harassment, bullying and discrimination, that include but are not limited to provisions which: a. identify the principal, superintendent or the principal's or superintendent's designee as the school employee charged with receiving reports of harassment, bullying and discrimination; b. enable students and parents to make an oral or written report of harassment, bullying or discrimination to teachers, administrators and other school personnel that the school district deems appropriate; c. require school employees who witness harassment, bullying or discrimination, or receive an oral or written report of harassment, bullying or discrimination, to promptly orally notify the principal, superintendent or the principal's or superintendent's designee not later than one school day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and to file a written report with the principal, superintendent or the principal or superintendent's designee not later than two school days after making such oral report; d. require the principal, superintendent or the principal's or superintendent's designee to lead or supervise the thorough investigation of all reports of harassment, bullying and discrimination, and to ensure that such investigation is completed promptly after receipt of any written reports made under this section; e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section; f. prohibit retaliation against any individual who, in good faith, reports, or assists in the investigation of, harassment, bullying or discrimination; g. include a school strategy to prevent harassment, bullying and discrimination; h. require the principal to make a regular report on data and trends related to harassment, bullying and discrimination to the superintendent; i. require the principal, superintendent or the principal's or superintendent's designee, to notify promptly the appropriate local law enforcement agency when such principal, superintendent or the principal's or superintendent's designee, believes that any harassment, bullying or discrimination constitutes criminal conduct; j. include appropriate references to the provisions of the school district's code of conduct adopted pursuant to section twenty-eight hundred one of this chapter that are relevant to harassment, bullying and discrimination; k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents; l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists; 2. Guidelines to be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, cyberbullying and discrimination on students and that are designed: a. to raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and b. to enable employees to prevent and respond to harassment, bullying and discrimination; and 3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school 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, and sex; and 4. Guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the district's code of conduct; and 5. Training required by this section shall address the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. \*NB Effective July 1, 2013

**\*§ 14. Commissioner's responsibilities.** The commissioner shall: 1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing discrimination and harassment and to fostering an environment in every school where all children can learn free of manifestations of bias; 2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section; and 3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures focusing on intervention and education. \*NB Effective until July 1, 2013 \*§ 14. Commissioner's responsibilities. The commissioner shall: 1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing harassment, bullying and discrimination and to fostering an environment in every school where all children can learn free of manifestations of bias; 2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section; 3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education and provide guidance related to the application of regulations; and 4. Provide guidance and educational materials to school districts related to best practices in addressing cyberbullying and helping families and communities work cooperatively with schools in addressing cyberbullying, whether on or off school property or at or away from a school function. 5. The commissioner shall prescribe regulations that school professionals applying on or after July first, two thousand thirteen for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools shall, in addition to all other certification or licensing requirements, have completed training on the social patterns of harassment, bullying and discrimination, as defined in section eleven of this article, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. \*NB Effective July 1, 2013

**\*§ 15. Reporting by Commissioner.** The commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of discrimination or harassment, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article. \*NB Effective until July 1, 2013 \*§ 15. Reporting by commissioner. The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article. \*NB Effective July 1, 2013

**\*§ 16. Protection of people who report discrimination or harassment.** Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings. \*NB Effective until July 1, 2013 \*§ 16. Protection of people who report harassment, bullying or discrimination. Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings. \*NB Effective July 1, 2013

**§ 17. Application.** Nothing in this article shall: 1. Apply to private, religious or denominational educational institutions; or 2. Preclude or limit any right or cause of action provided under any local, state or federal ordinance, law or regulation including but not limited to any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990.

**§ 18. Severability and construction.** The provisions of this article shall be severable, and if any court of competent jurisdiction declares any phrase, clause, sentence or provision of this article to be invalid, or its applicability to any government agency, person or circumstance is declared invalid, the remainder of this article and its relevant applicability shall not be affected. The provisions of this article shall be liberally construed to give effect to the purposes thereof.

## APPENDIX B

### Eleven Named Classes in the Dignity Act & Plain Language Reference

#### Eleven Named Classes in the Dignity Act

1. **Race:** The groups to which individuals belong, identify with, or belong in the eyes of the community. **National Center for Education Statistics**  
**Elementary Language:** Grouping people by how they look (this could be skin color, hair texture, face shape, etc.) or people choosing what group they think they belong. For example, when students go to a school for the first time, they are asked to choose from being an Hispanic/Latino; American Indian or Alaskan Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White; or two or more races.
2. **Color:** In this usage, the term refers to the apparent pigmentation (coloring) of the skin, especially as an indication or possible indication of their race. **Oxford Dictionary**  
**Elementary Language:** The color of a person's skin.
3. **Weight:** A person's size or the amount someone weighs.  
**Elementary Language:** A person who is heavy or light in weight.
4. **National Origin:** A person's country of birth or their ancestors' country of birth. **Wisconsin Civil Rights publication**  
**Elementary Language:** Where you or your relatives were born.
5. **Ethnic Group:** Some of the criteria by which ethnic groups are identified are ethnic nationality (country or area of origin as distinct from citizenship or country of legal nationality) race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics. **United Nations**  
**Elementary Language:** A way to connect to people because of your race, color, language, religion, way people dress or eat or where you or your relatives were born.
6. **Religion:** Either religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets. **United Nations**  
**Elementary Language:** What people believe. Religion is different for different people and cultures and it can be a way of explaining the mysteries of life, how to live a good life or something that is beyond what we can see, hear or touch...what some people call God, Allah, Huwa, Waheguru, Yaweh/Adonai, etc.
7. **Religious Practice:** Religious observances or practices include attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression or refraining from certain activities.

Determining whether a practice is religious turns not on the nature of the activity, but on the person's motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons. Whether or not the practice is "religious" is therefore a situational, case-by-case inquiry. One individual may eat a certain diet for religious reasons while another may eat the exact same identical diet for secular (health/environmental) reasons. **Equal Employment Opportunity Commission.**

**Elementary Language:** How you show what you believe in through dress, food, symbols and practices.

8. **Disability:** (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held **Education Law §11[3] and Executive Law §292[21]**

**Elementary Language:** A person that is not able to do things with their body or think with their mind as most other people can because of how they are born or had an illness or an injury

9. **Sexual Orientation:** A person's actual or perceived heterosexuality, homosexuality, or bisexuality. **Education Law §11[5]**

**Elementary Language:** A man who romantically likes a woman or a woman who romantically likes a man; a man who romantically likes another man or a woman who romantically likes another woman; or when a man romantically likes a woman or another man or when a woman romantically likes a man or another woman.

10. **Gender:** A person's actual or perceived sex and includes a person's gender identity or expression **Education Law §11[6]**

**Elementary Language:** This can be the way a person is physically born, being a boy or a girl; or how a person feels about being a boy or a girl.

11. **Sex:** The biological and physiological characteristics that define men and women. **World Health Organization**

**Elementary Language:** A person being born either a boy or a girl.

### Other Definitions

**Prejudice (includes elementary language):** Thinking unfairly about someone or a group of people or treating them badly often because they may look or act different. Thoughts and feelings may be inaccurate or wrong because there is not enough information or understanding about why they may look or act different.

**Discrimination (includes elementary language):** Treating a person or a group of people differently usually because of prejudice about race, ethnicity, age, religion, gender, sexual orientation or sex.

**Harass (includes elementary language):** Keep bothering or attacking somebody: to persistently annoy, attack, or bother somebody.

**Gender Identity:** An individual's internal, deeply felt sense of being either male, female or something other or in-between. **Gay, Lesbian, Straight Educational Network (GLSEN)**

**Elementary Language:** How a person feels inside about being either a male or female.

**Gender Expression:** An individual's characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions that are perceived as masculine or feminine. It may include the ways in which people regularly communicate their gender identity through behavior, clothing, hairstyle, voice and emphasizing, de-emphasizing or changing their body's characteristics. **Elementary Language:** How a person shows others through how they look and act whether they are a male or female.

## APPENDIX C

### Definitions

For the purpose of this Code, the following definitions apply and Appendices A & B should be referenced for compliance with the Dignity for All Students Act:

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

**“School Property”** means in or within any building, structure, school vehicle, athletic playing field, playground, parking lot or land contained within the real property boundary line of the Ulster County BOCES and its satellites; or in or on a school bus (Education Law §11[1]) and Vehicle and Traffic Law §142).

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

**“School Function”** means any school-sponsored curricular-related event or activity.

**“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 §11[3] and Executive Law §292[21]). (See also Appendix A & B).

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

**“Sexual Orientation”** means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).<sup>3</sup> (See also Appendix A & B).

**“Gender”** means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).<sup>4</sup> (See also Appendix A & B).

**“Harassment”** means the creation of a hostile environment by conduct or by verbal threats, intimidation, or abuse that 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 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 safety; such conduct, verbal threats, intimidation, or abuse includes, but is not limited to, verbal threats, intimidation, or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]). (See also Appendix A & B).

**“Weapon”** means any item, material, instrument or substance capable of causing physical injury or death.

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

**“Violent Student”** means a student who:

- when on school property, commits or attempts to do so, an act of violence on school personnel, student or visitor;
- possesses, displays or threatens the use of a weapon, bomb or dangerous instrument capable of inflicting physical injury or death;
- damages or destroys property of staff, student or district.