



Policy Manual 6210

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# Code of Conduct

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## P6210 Code of Conduct

### I. Introduction

A. The Wayne-Finger Lakes BOCES (BOCES) is committed to providing a supportive and welcoming school atmosphere where students will receive and personnel will deliver quality educational services in a safe, drug-free environment. Responsible behavior by students, all BOCES personnel, families/guardians and other visitors is essential to achieving this goal.

B. At BOCES,

1. We believe all children can learn.
2. Success is possible for all of our students.
3. We aim to create school communities that embrace diversity and are welcoming and inclusive of all cultures, races, and ethnicities.
4. We believe effective communication is essential in meeting the needs of all of our partners.
5. We are a creative and flexible organization that responds to the rapidly changing environment through innovation, creative thinking, and problem solving.

C. The BOCES has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on principles that cultivate a mindset of safety, support, learning and growth. These expectations are based on civility, mutual respect, citizenship, character, honesty, and integrity.

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

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

### II. Definitions. For purposes of this code, the following definitions apply:

A. **“Student”** means anyone who is enrolled in a Wayne-Finger Lakes BOCES course, program of study and/or camp. This applies to all pre-school, elementary, secondary, and post-secondary/adult students.

B. **“Families/Guardians”** means parent or person that has parental responsibilities to a student.

C. **“School property”** means in or within any building, structure, athletic playing field, playground,



parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

D. **“School function”** means any school-sponsored extra-curricular event, activity, community-based learning experience, worksite, or field trip.

E. **“Disruptive student”** means an elementary, secondary, or adult student who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

F. **“Violent student”** means a student who:

1. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
2. Commits an act of violence (definition Section VI.D.3.) upon a school employee, or attempts to do so.
3. Possesses, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

G. **“Weapon”** means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act and/or any of the objects of instruments referred to in Section 265.01 of the New York State Penal Law. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, blow dart, splat gun, air-gun, spring-gun, or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, jackknife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material, tool or substance that can cause physical injury or death when used to cause physical injury or death; and any other object that could be considered a reasonable facsimile of a weapon.

### III. Student Rights and Responsibilities

A. **Student Rights.** The BOCES is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly, and civil school environment, all students who attend BOCES programs are entitled to:



1. The right to pursue an education in an atmosphere that is safe and promotes learning.
  2. The right to be respected as individuals, treated fairly with dignity by staff and students.
  3. Take part in all BOCES activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
  4. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty, always taking into consideration the student's level of functionality/disability.
  5. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
  6. To dress in a manner that expresses their personality, style, and culture as long as it does not disrupt the learning process and as deemed necessary and appropriate by individual school communities.
- B. Student Responsibilities. In regard to students with disabilities, consideration of the student's developmental/functional ability will always be considered. All students attending BOCES programs are expected to:
1. Contribute to maintaining a safe and orderly school environment that is conducive and promotes learning and to show respect to other persons and to others and to school property.
  2. Report to responsible school personnel any threats or statements of violence.
  3. Be familiar with and abide by BOCES policies, rules and regulations dealing with student conduct.
  4. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
  5. Work to the best of their ability in all academic, technical, and extracurricular pursuits and strive toward their highest level of achievement possible and be engaged in their own learning.
  6. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
  7. Work to develop strategies to control their anger.
  8. Advocate for self by asking questions when they do not understand and/or communicate needs or wants.
  9. Seek help in solving problems that might lead to disciplinary action.
  10. Dress appropriately for school and school functions.



11. To be truthful and accept responsibility for their actions.

12. Conduct themselves as representatives of BOCES when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

13. Show respect for school property and for the property of others by treating it with care, kindness, and courteous behavior.

IV. Essential Partners

A. **Families/Guardians.** All families/guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the families/guardians and the school community.

2. Ensure their children attend school regularly and on time.

3. Ensure that when it is necessary for their child to be absent from school, an excused absence note is provided.

4. Insist their children be dressed and groomed in a manner consistent with the student dress code.

5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

6. Know school expectations and help their children understand them.

7. Convey to their children a supportive attitude toward education and school staff.

8. Build positive relationships with teachers, other families/guardians, and their children's friends.

9. Help their children deal effectively with peer social pressures.

10. Inform school officials of changes in the home situation that may affect student conduct or performance.

11. Provide prescribed medication in a timely manner.

12. Provide written doctor's orders on the dispensing of medication in school.

13. Represent themselves and their intentions in an honest and forthright manner. This includes, but is not limited to, the use of hidden video and/or voice recording devices within the school setting. Due to issues concerning student confidentiality, the use of such devices must be approved by the Principal or designee ahead of time.



**B. Staff.** All BOCES staff are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence and an interest to learn.
2. Maintain appropriate professional boundaries in all interactions with students and staff in accordance with Board of Education Policy 5111 – Student-Staff Relations (Fraternization).
3. Be prepared to carry out job responsibilities.
4. Demonstrate a genuine interest in teaching with a focus on student achievement and levels of independence.
5. Know school policies and rules and enforce them in a fair and consistent manner.
6. Communicate regularly with students, families/guardians and other staff concerning students' needs, growth, and achievement. Such communication must be conducted in accordance with the guidelines set forth by Board of Education Policy 5111 Student-Staff Relations (Fraternization).
7. Maintain confidentiality.
8. Engage in on going staff development.
9. Be aware of and be sensitive to student developmental needs/levels and Trauma Informed Practices to support all students.
10. Communicate to students and families/guardians:
  - a) course objectives and requirements
  - b) marking/grading procedures
  - c) assignment deadlines
  - d) expectations for all students
  - e) classroom behavioral plan
11. Be a role model for students by following the provisions of the Student Dress Code.
12. Report any form of bullying or sexual harassment that you observe or is reported to you, as set forth by Board of Education Policy 6230 – Bullying: Peer Abuse in the Schools and Policy 6440 – Sexual Harassment of Students.
13. Be aware of our diverse student populations to ensure equitable and inclusive learning opportunities.

**C. School Counselors, Social Workers, and School Psychologists, as appropriate,** are expected to:

1. Assist students in coping with peer social pressures and emerging personal, social, and emotional problems.



2. Initiate teacher/student/counselor conferences and families/guardians/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
  3. Review students' educational progress, attendance, and post-secondary plans.
  4. Provide information to assist students with career planning.
  5. Encourage students to benefit from the curriculum and extracurricular programs.
- D. **Principals/Administrators.** All BOCES Principals/administrators are expected to:
1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
  2. Ensure that students, families/guardians and staff have the opportunity to communicate regularly with the Principal.
  3. Evaluate on a regular basis all instructional programs.
  4. Support the development of and student participation in appropriate activities.
  5. Be responsible for enforcing the Code of Conduct and ensuring that all situations are resolved promptly and fairly.
- E. **District Superintendent.** The District Superintendent or designee is expected to:
1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
  2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
  3. Inform the Board of Education about educational trends relating to student discipline.
  4. Work to create instructional programs that are sensitive to student and staff needs.
  5. Work with administrators in enforcing the Code of Conduct and ensuring that all cases are handled promptly and fairly.
- F. **Board of Education.** The BOCES Board of Education is expected to:
1. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
  2. Lead by example by conducting board meetings in a professional, respectful, courteous manner.



V. Student Dress Code

All students are expected to dress appropriately for school and school functions. Students and their families/guardians have the primary responsibility for acceptable student dress, appearance, and hygiene. Teachers and all other personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A. Certain body parts must be covered for all students at all times.

Clothes must be worn in a way such that genitals, buttocks, breasts, and nipples are fully covered with opaque (not see-through) fabric. A student's dress must be safe, appropriate, and not disrupt or interfere with the educational process. All items listed in the "must wear" and "may wear" categories below must meet this basic principle stated above.

1. Students Must Wear\*, while following the basic principle of Section A above:
2. A top covering AND
3. A bottom covering AND
4. Appropriate footwear.
5. Clothing over underwear
6. Appropriate clothing for specific technical program and physical education program as determined by course teacher/program staff.

B. Students may wear, as long as these items do not violate Section A above:

1. Hats must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff.
2. Religious or cultural headwear – head bands and head wraps are hair accessories and are always permitted.
3. Hoodie sweatshirts (wearing the hood overhead is allowed, but the face and ears must be visible to school staff).
4. Pajamas for specific functions, events or programming.
5. Ripped jeans, as long as underwear and buttocks are not exposed.
6. Tank tops, including thin straps; muscle t- shirts (a student's upper half of their back may be exposed; low-back or backless shirts are not permitted)
7. Visible waistbands or visible straps on undergarments worn under other clothing (as long as this is done in a way that does not violate Section A above).

C. Students can not wear:

1. Violent, sexually explicit, demeaning or degrading language or images.
2. Images or language depicting/suggesting drugs, alcohol, vaping or paraphernalia (or any illegal item or activity).
3. Bullet proof vest, body armor, tactical gear, or facsimile.



D. Each Building Principal or designee shall be responsible for informing all students and their families/guardians of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

E. Students who violate the student dress code are required to modify their appearance by covering up the item or replacing it with an acceptable item. The school will provide support to help the student maintain compliance with the dress code. Any student who refuses to follow the dress code shall be subject to appropriate consequences.

#### VI. Prohibited Student Conduct

A. The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, personnel, and other members of the school community, and for the care of school facilities and equipment.

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

C. The Board of Education recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior (based on the student's level of understanding and developmental/functional ability) and who violate these school rules will be required to accept the consequences for their conduct.

D. Relationships at all levels of the organization are characterized by inclusive practices of respect, empathy, integrity, diversity, and a willingness to work through conflicts to form a resolution.

E. Students may be subject to disciplinary action, up to and including suspension from school, when they:

1. **Engage in conduct that is disorderly.** Examples of disorderly conduct include but are not limited to:

- a) Running in hallways.
- b) Making unreasonable noise.
- c) Using language or gestures that are profane, lewd, vulgar, or abusive.
- d) Verbal bullying (including, but not limited to, taunting, malicious teasing, name calling, making threats).
- e) Psychological bullying (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).
- f) Obstructing vehicular or pedestrian traffic.
- g) Engaging in any willful act which disrupts the normal operation of the school community.



- h) Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- i) Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account owned or rented by Wayne-Finger Lakes BOCES; accessing inappropriate websites; downloading inappropriate material, using the system for purposes of cyber bullying, or any other violation of the BOCES' acceptable use policies.

**2. Engage in conduct that is insubordinate.** Examples of insubordinate/ disruptive conduct include, but are not limited to:

- a) Failing to comply with the reasonable directions of staff or otherwise demonstrating disrespect.
- b) Leaving school (grounds) without permission.
- c) Bringing and/or inviting visitors without written school approval.
- d) Using a personal electronic device, such as but not limited to: pager, cell phone, video camera, iPod, game device, etc. while on school property, unless approved by the Principal, program director or their designee.
- e) Parking, operating, or riding in a motor vehicle on BOCES property during the school day without written permission. Permission must be granted by the Building Principal, home-school Principal (where applicable), and family/guardian.
- f) Misuse or abuse of any software or electronic communication system owned or rented by the Wayne-Finger Lakes BOCES per Policy 7250 – Misuse/Abuse of Software and/or Electronic Communication Systems. This includes overriding any filtering system or use of any password other than the one assigned to you.
- g) Selling items without prior approval from the Principal or designee.
- h) Being in possession of contraband such as, but not limited to, any instrument, device, or material that could cause harm to self or other.

**3. Engage in conduct that is violent.** Examples of violent conduct include, but are not limited to:

- a) Threatening/Committing an act of violence (such as hitting, biting, kicking, punching, spitting, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
- b) Threatening, either verbally or in writing, to physically harm any employee or another student.
- c) Possessing a weapon as determined by the penal code of New York State. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- d) Displaying what appears to be a weapon.
- e) Threatening to use any item or tool as a weapon.
- f) Physical bullying (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings).
- g) Threatening or intentionally damaging or destroying the personal property of a student, staff and any person lawfully on school property, including graffiti or arson.
- h) Intentionally damaging or destroying school property, including graffiti.



Behavior that the principal or their designees deems to be violent and/or endangering the safety of self or others.

**4. Engage in any conduct that endangers the safety, morals, health, or welfare of others.**

Examples of such conduct include, but are not limited to:

- a) Lying to school personnel.
- b) Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- c) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
- d) Discrimination or harassment, which includes the use of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, gender (identity or express), sexual orientation, sex, or disability as a basis for treating another in a negative manner.
- e) Harassment and Bullying, (including sexual harassment and cyber-bullying) which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
- f) Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm (i.e.: posturing, invading personal space/boundaries).
- g) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club, or team.
- h) Selling, using, or possessing obscene/violent/pornographic material.
- i) Using vulgar or abusive language, cursing, or swearing to harass/intimidate others.
- j) Public displays of affection.
- k) Sharing, selling, or trading cigarettes, cigars, pipes or chewing/ smokeless tobacco, e-cigarettes, marijuana, THC, vaping products, or any other products containing nicotine or tobacco, matches, and lighters.
- l) Smoking or use of a cigarette, cigar, pipe, chewing or smokeless tobacco, e-cigarettes, vaping products, and any other products containing nicotine or tobacco.
- m) Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, and related paraphernalia or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, THC, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, counterfeit drugs, and any substances commonly referred to as "designer drugs." This applies to both seller (giver) and possessor (taker).
- n) Inappropriately using, sharing or being in possession of prescription medication, over-the-counter drugs or other drugs or substances that stimulate or are reported to by a student to be any of the aforementioned. This applies to both seller (giver) and possessor (taker).
- o) Gambling.
- p) Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.



- q) Engaging in sexual intimidation, harassment, or conduct.
- r) Initiating a report warning of fire/bomb or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher/alarm.
- s) Improper use of classroom phone/communication device.
- t) Instigating a situation resulting in inappropriate behavior.
- u) Intentionally eliminating body fluids or waste on persons or property.
- v) Extortion (taking money/materials from peers) through intimidation.
- w) Bullying—when one or more individuals inflict physical, verbal, or emotional harm.
- x) Any use of personal technology in school bathrooms is strictly prohibited. This includes but not limited to devices that can record audio or video, take pictures, input text, upload and download media, and transmit or receives messages and /or images.

5. **Engage in misconduct while on a school bus/vehicle.** It is crucial for students to behave appropriately while riding in vehicles to ensure their safety and that of other passengers and to avoid distracting the driver. Students are required to conduct themselves in vehicles in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, biting, threatening, and fighting will not be tolerated.

- a) Students will not enter or leave a bus while it is in motion.
- b) Students will sit in those seats assigned to them by the driver or school personnel.
- c) Student will keep arms, heads, and legs inside the bus at all times.
- d) Emergency doors and windows will be left unhampered.
- e) Students will not use profanity or vulgar language.
- f) Students will not use tobacco products on the bus.
- g) Student will refrain from excessive noise.
- h) Students will refrain from any horseplay on the bus.
- i) Students will not litter on the bus.
- j) Students will not be insubordinate to the bus driver and will follow directions.
- k) Students will not engage in indecent exposure that is exposure to sight of the private parts of the body in a lewd or indecent manner while on the bus.
- l) Students will not engage in sexual intimidation, harassment or conduct while on the bus.

6. **Engage in any form of academic misconduct.** Examples of academic misconduct include:

- a) Plagiarism.
- b) Cheating.
- c) Copying.
- d) Altering records.
- e) Assisting another student in any of the above actions.

7. **Engage in any form of digital or electronic misconduct.** Example of digital or electronic misconduct include:

- a) Accessing inappropriate and/or blocked websites
- b) Viewing and/or distributing digital or electronic materials that include pictures, videos, cartoons, language, or gestures that are profane, lewd, vulgar, or abusive. This includes any unauthorized photos of staff or students.
- c) Assisting another student in any of the above actions.



### 8. Use of Electronic Devices

- a) No student may use a personal technology device (including, but not limited to smart phones, smartwatches, tablets, laptops, etc.) during the instructional day. Each school will review and implement all guidance from the NYS Governor and NYSED banning the use of student use of personal electronic devices during the school day and by setting expectations for all staff and adults in school as well.
- b) **The Wayne-Finger Lakes BOCES is not responsible for any lost or stolen device.**

## VII. Reporting Violations

- A. All students are expected to promptly report violations of the Code of Conduct to staff. Any student/staff observing a student, staff, or visitor possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately, to the Building Principal or the Principal's designee.
- B. All staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff who are not authorized to impose disciplinary consequences are expected to promptly report violations of the code of conduct to the principal or principal's designee, who shall in turn impose appropriate disciplinary consequences, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.
- C. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the family/guardians of the student involved and the appropriate disciplinary sanction, which may include suspension and referral for prosecution.
- D. The Building Principal or designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school.

## VIII. Disciplinary Consequences, Procedures and Referrals

- A. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline. All disciplinary consequences provide students the opportunity to learn and grow. Consideration of the student's level of developmental/functional ability will be taken into account prior to disciplinary action.
- B. Disciplinary action, when necessary, will be fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:
  - 1. The student's age.
  - 2. The nature of the offense and the circumstances which led to the offense.
  - 3. The student's prior disciplinary record.
  - 4. The effectiveness of other forms of discipline.



5. Information from families/guardians, teachers and/or others, as appropriate
6. The student's disability (if applicable).
7. Other extenuating circumstances.

C. If the conduct of a student is related to a disability or suspected disability, the Committee on Special Education will be notified and discipline, if warranted, shall be administered consistent with the requirements of this code of conduct and Commissioner's regulations for disciplining students with a disability. A student identified, as having a disability will not be disciplined for behavior related to the disability unless allowable under the Commissioner's regulations.

D. As a general rule, discipline should be progressive.

E. Samples of Consequences

- Verbal warning
- Written warning and/or written notification to families/guardians
- Suspension from transportation (where applicable)
- Temporary removal from classroom
- Family/Guardian conference
- Suspension from social or extra-curricular activities
- Loss of privileges
- Loss of privileges to drive a vehicle or ride with another student to or from the campus (this applies to students enrolled in the Technical & Career Centers only)
- In School suspension
- Removal from classroom by teacher
- Out of school suspension (short term 5 days or less/long term more than 5 days)
- Superintendent's Hearing
- Permanent suspension from school
- Personal liability or restitution
- Removal from BOCES program
- Police notification
- Youth referral
- Formal conference circle
- Surrender personal electronic device to Principal/designee; store in office

F. Procedures/Suspensions

1. Please Note - Due to the variety of students that BOCES serves, it will be necessary to have different protocols for students. Sections, which are specific to an individual program, are clearly outlined.

2. The time length of due process a student is entitled to, before a consequence is imposed, will depend on the type of consequence being imposed. In all cases, the school personnel authorized to impose the penalty will let the student know what misconduct the student is alleged to have committed and will investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the



penalty. Families/Guardians will be notified in writing and/or by phone of any disciplinary actions and are encouraged to schedule an informal conference to discuss any concerns within 24 hours.<sup>14</sup>

a) **Suspension from transportation or driving and or riding privileges** - If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the home school's Principal's attention. Students who become a serious disciplinary problem may have their driving or riding privileges suspended by the home school district Principal or Superintendent. In such cases, the student's family/guardians will become responsible for the student's transportation to and from the Technical and Career Center campus. A student who then drives or rides with another student to the Technical Center campus without the appropriate permission will be subject to further disciplinary action.

**Please note:** Special Education programs cannot accommodate students driving vehicles to their sites.

b) **Suspension from extracurricular activities and other privileges** - A student subjected to a suspension only from extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and student's family/guardians 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 within 24 hours of the decision.

c) **In-school Suspension** - The Board of Education authorizes Building Principals to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." "In-school suspension" is the temporary reassignment of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

(1) A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's family/guardians will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

d) **Teacher Removal of Disruptive Student** - The Board of Education authorizes Building Principals or designees of all programs to remove students who are disruptive or as a result of Code of Conduct violation from the classroom. No teacher may remove a student with a disability from a class until it has been verified with the Principal or designee that the removal will not violate the student's rights under state or federal law or regulation.

(1) A disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.



(2) A disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using various classroom management techniques. These techniques may include practices that involve the teacher directing the student to leave the classroom to give the student time to regain composure and self-control. Such practices may include, but are not limited to:

- (a) Sending the student for a short-term break in the office.
- (b) Sending the student to another location for a brief period of time.
- (c) Sending a student to the Principal's office for the remainder of the class time only.
- (d) Sending a student to the guidance counselor or other support staff member for counseling.

(3) Time-honored classroom management techniques do not constitute disciplinary removals for purposes of this code. Occasionally, however, it may be necessary for a teacher to remove a substantially disruptive student from the classroom to ensure that the other students continue to learn.

(4) A student who is substantially disruptive is a student who interferes with the educational process and substantially interferes with the authority of the teacher in the classroom. A substantial disruption occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

(5) A classroom teacher may remove a student from class and place in an alternate setting for up to one day if the teacher determines that the student is substantially disruptive. The removal from class applies to the class of the removing teacher only:

- (a) If the student is substantially disruptive to the academic process, the teacher will provide the student, before the student is removed, with an explanation for why the student is being removed. The student will also be given the opportunity to present their version of the relevant events. Only after this informal discussion may a teacher remove a student from class.
- (b) If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed from the classroom and give the student a chance to present their version of the relevant events within one full school day.
- (c) The teacher must meet with the Principal or designee, as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the Principal is not available by the end of the same school day, the teacher must



leave notice with the Principal's secretary and meet with the Principal prior to the beginning of the next class from which the student was removed.

(d) Teacher must follow building procedures to ensure communication with the family/guardian of the student the reason for teacher removal. In some buildings, this is handled by the administrator or counselor.

(e) Within 24 hours after the student's removal, the Principal or another BOCES administrator designated by the Principal must notify the student's family/guardians and the home district, in writing and/or by phone, that the student has been removed from the class and why. The notice must also inform the family/guardians that they have the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal.

(f) The Principal may require the removing teacher to be at the informal conference.

(g) If, at the informal meeting, the student denies the charges, the Principal or the Principal's designee and teacher must explain why the student was removed and give the student and the student's family/guardians an opportunity to present the student's version of the relevant events. The informal meeting must be held within two school days (48 hours) of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the family/guardians, teacher, and Principal.

(h) The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

(a) The charges against the student are not supported by substantial evidence.

(b) The student's removal is otherwise in violation of law.

(c) The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

(i) The Principal or designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. 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. At the teacher's discretion, they may rescind the removal prior to the expiration of the full period of removal.

(j) Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until they are permitted to return to the classroom.



(6) Each site must keep a complete log (on a BOCES provided form or in School Tool ) for all cases of removal of students from the class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from a class until it has been verified with the Principal or the Coordinator of Special Services that the removal will not violate the student's rights under state or federal law or regulation.

e) **Out-of-school Suspension (For Students with Disabilities see Section X.)**

(1) **Please Note:** If a student attends multiple programs (for example: attends a special education program or home school program for half the day and then attends the technical and career program for the other half of the day) a suspension from one program is an automatic suspension from the other program.

(2) Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent, or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others.

(3) The Board of Education retains its authority to suspend students, but places primary responsibility for the suspension of students with the Superintendent and the Building Principals.

(4) Any staff member may recommend to the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member recommending the suspension.

(5) The Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

(a) Short Term (five days or less) Suspension from School

(i) When the Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student. If the student denies the misconduct, the suspending authority must provide an explanation of the basis



for the proposed suspension. The suspending authority must also notify the student's family/guardians in writing that the student is suspended from the school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the family/guardians. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the family/guardians.

(ii) The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the family/guardians of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be written and held in the dominant language or mode of communication used by the family/guardians. At the conference, the family/guardians may be permitted to ask questions of complaining witnesses under such procedures as the Principal has established.

(iii) The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of distraction, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

(iv) After the conference, the Principal shall promptly advise the family/guardians in writing of the decision. The Principal shall advise the family/guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Board of Education with the District Clerk within five business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the family/guardians are not satisfied with the decision of the Superintendent, they must file a written appeal to the Board of Education with the district clerk within ten 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 of Education may be appealed to the Commissioner of Education within 30 days of the decision.



(b) Long Term (more than 5 days) Suspension from School

(i) When the Superintendent or Building Principal determines that a suspension for more than five days may be warranted, reasonable notice shall be given to the student and the student's family/guardians of their right to a fair hearing. The Superintendent of the sending school district will conduct the hearing. At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.

(ii) The Superintendent shall personally hear and determine the proceeding, or may decide to designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and 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.

(iii) An appeal of the decision of the Superintendent may be made to the Board of Education that will make its decision based solely upon the record before it. All appeals to the Board of Education must be in writing and submitted to the District Clerk within ten business days of the date of the Superintendent's decision, unless the family/guardians can show that extraordinary circumstances precluded them from doing so. The Board of Education 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 of Education within 30 days of the decision.

(c) Permanent Suspension - Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening or other serious danger to the safety and well-being of self or other students, school personnel or any other person lawfully on school property or attending a school function.

(d) Suspension by a component district will also apply to BOCES program attendance.

f) **Minimum Periods of Suspension**

(1) Students who bring a weapon to school. - Any student, other than a



student with a disability, found guilty of bringing a weapon onto school property will be subjected to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- (a) The student's age.
- (b) The student's grade in school.
- (c) The student's prior disciplinary record.
- (d) The Superintendent's belief that other forms of discipline may be more effective.
- (e) Input from family/guardians, teachers and/or others.
- (f) Other extenuating circumstances.
- (g) The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:
  - (i) Any student under the age of 16 who is found to have brought a weapon to school, or
  - (ii) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law
- (h) The Superintendent or Principal is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in § 265.00 of the Penal Law) on school grounds (as defined in §220.00 (14) of the Penal Law) qualifies for juvenile offender status under §1.20 of the Criminal Procedure Law.
- (i) A student with a disability may be suspended only in accordance with the requirements of state and federal law.

(2) Students who threaten to or commit violent acts other than bringing a weapon to school.

- (a) Any student, other than a student with a disability, who is found to have threatened or committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's family/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent or Principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent or Principal may consider the same factors



considered in modifying a one-year suspension for possessing a weapon. In case of a bomb threat authorities will be notified and charges filed.

(3) Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom

(a) Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a quarter, will be suspended from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's family/guardians will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's family/guardians will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent or Principal has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent or Principal may consider the same factors considered in modifying a one-year suspension for possessing a weapon

**g) Referrals**

(1) Counseling - Guidance/counseling personnel shall handle all referrals of students to counseling

(2) PINS Petitions -The home school (or BOCES Program where applicable) shall be notified and a recommendation to file a PINS petition made when a student is:

(a) Habitually truant

(b) Engaging in an ongoing or continual course of conduct, which makes the student ungovernable and beyond the lawful control of the school

(c) Found to be unlawfully in possession of marijuana in violation of Penal Law #221.05

(3) Juvenile Delinquents and Juvenile Offenders - The Superintendent of the sending school district is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before Family Court:

(a) Any student under the age of 16 who is found to have brought a weapon to school



IX. Alternative Instruction -- When a teacher removes a student of any age from a class, or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the home district will take immediate steps to provide alternative means of instruction for the student. The corresponding W-FL BOCES site where the student attends will provide available, requested instructional materials during this time as requested by the home district.

X. Discipline of Students with Disabilities

A. 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 of Education also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board of Education 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.

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

1. **Authorized Suspensions or Removals of Students with Disabilities** – For purposes of this section of the code of conduct, the following definitions apply:

- a) **“Suspension”** means a suspension pursuant to Education Law §3214.
- b) **“Removal”** means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.
- c) **“IAES”** means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred. This enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP) that will enable the student to meet the goals set out in such IEP. This placement will include services and modifications to address the behavior, which precipitated the IAES placement, and that are designed to prevent the behavior from recurring.

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

- a) The Board of Education, the District (BOCES) Superintendent of Schools or a Building Principal delegated as the authority to suspend students may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.



b) The Superintendent may order the placement of a student with a disability into an IAES, another setting, or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.

c) The Superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

d) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

(1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which include "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except for a pocket knife with a blade of less than 2 ½ inches in length."

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

(3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act of any other federal law.

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

3. Specific procedures for suspending a student from Wayne-Finger Lakes BOCES Special Education programs up to five days:

a) The student has committed an act that falls under one of the following categories:

- (1) Insubordination
- (2) Disorderly conduct
- (3) Conduct which endangered safety, morals, health, or welfare of others
- (4) Physical or mental condition which endangers the safety, health, or



morals of others.

(5) Possession of a weapon, alcohol, or drugs

- b) A team of staff members, which may include a teacher, counselor, crisis staff member, educational specialist, and Principal, meet to discuss the incident and determine an appropriate consequence. Law enforcement agencies may be contacted in certain cases to determine if criminal charges should be pursued.
- c) The Principal then determines if a suspension is warranted and will determine the duration of the suspension. The Principal or designee will immediately attempt to notify the family/guardians of the student by phone.
- d) Family/guardians will receive written notification by U.S. mail within twenty-four hours of the suspension. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the family/guardians of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the family/guardians. At the conference, the family/guardians shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish. The CSE and the Transportation Supervisor will be notified of the suspension. A copy of the suspension letter will be sent to the CSE for the student's file.
- e) If the act were of a severe nature the student would be referred to the CSE for a review of the appropriateness of their placement.
- f) BOCES will follow each district's procedures regarding Manifestation and Superintendent's Hearings.

4. Referrals – A representative of a Multi-Disciplinary Team will handle all necessary referrals to appropriate outside agencies.

5. PINS Referrals: 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 they require 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.

6. The BOCES administration will provide information to and cooperate with an investigation by local law enforcement agencies and/or the county attorney.

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

C. Authorized Suspensions of Students with Disabilities



1. For purposes of this section of the Code of Conduct, a “suspension” means a suspension pursuant to Education Law § 3214.

2. Change of Placement Rule

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

(1) for more than 10 consecutive school days; or

(2) For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 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 the proximity of the suspensions or removals to one another.

b) School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

c) However, BOCES may impose a suspension, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions, and if the CSE has determined that the behavior was not a manifestation of the student’s disability, or involved weapons, illegal drugs, or controlled substances.

3. Special Rules Regarding the Suspension or Removal of Students with Disabilities. BOCES Administrators will make a referral to the student’s home school district Committee on Special Education regarding review of placement. BOCES subsequently will follow each district’s procedure, for dealing with students with disabilities under IDEA. Information regarding due process may be obtained from home school district CSE.

D. Referral to law enforcement and judicial authorities - In accordance with the provisions of IDEA and its implementing regulations:

1. BOCES may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student’s placement.

2. The program administrator shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to which a crime is reported.

## XI. Corporal Punishment

A. 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 district employee is strictly forbidden.



B. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

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

C. Whenever a school employee uses physical force against a student, the school employee and/or any employee who witnessed the incident shall, within the same school day, make an immediate written report to their supervisor describing in detail the circumstances and the nature of the action taken.

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

## XII. Student Searches and Interrogations

A. The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's family/guardians before questioning the student. However, school officials will tell all students why they are being questioned.

B. In addition, the Board of Education authorizes the BOCES Principals, and designee(s) to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the BOCES Code of Conduct. In addition, students that are permitted to drive a personal vehicle to a BOCES facility automatically consent to a search of their vehicle at any time.

C. Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched, and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of the code of conduct, school rules and/or illegal.

1. The determination of the standard of reasonableness governing any specific class of searches requires "balancing the need to search against the invasion which the search entails." On one side of the balance are arrayed the individual's legitimate expectations of privacy and personal security; on the other, the government's need for effective methods to deal with breaches of public order.
2. Determining the reasonableness of any search involves a twofold inquiry: first, one must consider "whether the ... action was justified at its inception;" second, one must determine whether the search as actually conducted "was reasonably related in scope to the circumstances which justified the interference in the first place."



3. Under ordinary circumstances, a search of a student by a teacher or other school official will be “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.

4. In comparing a law enforcement search to a search by school officials, perhaps the best that can be said generally about the required knowledge component of probable cause for a law enforcement officer's evidence search is that it raise a “fair probability,” or a “substantial chance,” of discovering evidence of criminal activity. The lesser standard for school searches could as readily be described as a moderate chance of finding evidence of wrongdoing.

5. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Factors to be considered in determining the scope of a student search include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

D. An authorized school official, with the principal or principal’s designee present, may search a student or the student’s belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have pervasively supplied information that they knew was not accurate.

E. Before searching a student or the student’s belongings, the authorized school official should attempt to get the student to admit that they possess physical evidence that they violated the law or the district code or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Such search will only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district employee of the same sex.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

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

G. Items Confiscated. The Building Principal or the Principal’s designee shall be responsible for the custody, control, and disposition of any illegal or dangerous item taken from a student. The Principal or



designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Principal or designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

H. Students may be asked to remove a coat, jacket, sweatshirts, layered clothing or shoes for the purposes of a search. If the need for a more intrusive search is being considered, the Principal must **immediately** notify the Coordinator of Safety and Security who will notify the District Superintendent (or designee) and a SRO if applicable. Searches beyond this scope and considered strip searches in nature are not approved to be conducted by any school personnel.

1. Documentation of Searches. The Principal or designee shall be responsible for promptly recording the following information about each search:

- a) Name, age, and grade of student searched.
- b) Reasons for the search and the facts creating reasonable suspicion for the search.
- c) Purpose of search (that is, what item(s) were being sought).
- d) Type and scope of search.
- e) Person conducting search, title, and position.
- f) Witnesses, if any, to the search.
- g) Time and location of search.
- h) Results of search (that is, what item(s) were found).
- i) Disposition of items found.
- j) Time, manner, and results of parental notification.
- k) Other relevant information.

2. Police Involvement in Searches and Interrogations of Students

a) 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:

- (1) A search or an arrest warrant.
- (2) Been invited by school officials.
- (3) Probable cause to believe a crime has been committed on school property or at a school function, or

b) In the first two situations, before police officials are permitted to question or search any student under the age of 16, the Principal or designee shall first try to notify the student's family/guardians to give the family/guardians the opportunity to be present during the police questioning or search. The Principal or designee will also be present during any police search of a student on school property or at a school function. Family/guardians or school representatives are not entitled to be present during a search or interview of any student if the safety of school staff and students is



at risk.

3. In cases where the family/guardians cannot be contacted the School District shall not permit a search or interview of a student under the age of 16. However, when a child makes a complaint of being physically abused, sexually abused, or neglected by the family/guardians or person in parental relation to the child, school officials will allow members of law enforcement and Child Protective Services to interview the said child without notifying the family/guardians.

4. If the student's family/guardians cannot be contacted prior to the police questioning or search, the family/guardians shall be informed of the questioning or search, in writing, by the Principal as soon thereafter as possible. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

5. In the third situation, when the crime being investigated involves a student over the age of 16 and occurs on school grounds at a school function or during travel to or from school, consent from the individual in parental relation to the child is not necessary. The law enforcement agency may conduct an investigation as may be necessary. Every attempt, however, should be made to inform the individual in parental relation to the child that the interrogation is taking place.

6. Students who are taken into custody on school property or at a school function will be afforded the same rights they have outside the school. This means:

- a) They must be informed of their legal rights.
- b) They have the right to remain silent.
- c) That all statements they make can be used against them in a court of law.
- d) They have the right to have an attorney present and if they cannot afford one, an attorney will be provided without charge.

#### I. Child Protective Services (CPS) Investigations

1. Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

- a) All requests by child protective services to interview a student on school property shall be made directly to Building Principal or his/ her designee. The CPS worker must present official paperwork regarding identification, their role, and reason for the visit prior to meeting with the student. The BOCES will cooperate with child protective services workers and law enforcement personnel who accompany child protective services workers in investigations. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age (and/or functional ability) 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 their clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview.

b) 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 of abuse if they were not removed from school before a court order can reasonably be 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 family/guardian's consent.

### XIII. Visitors to the Schools

A. The Board of Education encourages families/guardians and other district citizens to visit the BOCES programs and classrooms to observe the work of students, teachers, and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal or designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor. All visitors will remain under the supervision of BOCES personnel at all times.
2. All visitors to the school must report to the BOCES office upon arrival at the school. All visitors must follow the visitor rules and procedures of the host District or BOCES site. Visitors may be asked to provide proof of identification. They may be required to sign the visitor's register and be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the BOCES office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, may be asked to follow regular visitor procedures as outlined above.
4. Families/guardians or citizens who wish to tour a site or program are required to arrange such visits in advance with the principal or principal's designee so that class disruption is kept to a minimum. Due to issues of student confidentiality, families/guardians or citizens wishing to bring any sort of recording device (video and/or voice) with them on their visitation must have been granted permission to do so by the Principal or designee. Teachers are required to notify BOCES Principals of requests for visitations prior to their occurrence.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property



contained in this code of conduct.

8. Visitors are to follow all drug free zone rules.

**XIV. Public Conduct on School Property**

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

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

C. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

D. Prohibited Conduct. No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of staff or any person lawfully on school property.
3. Disrupt the orderly conduct of classes, school programs, school meetings or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of but not limited to race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, and related paraphernalia or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, THC, cocaine, LSD, PCP,



amphetamines, heroin, steroids, look-alike drugs, counterfeit drugs, and any substances commonly referred to as “designer drugs.” This applies to both seller (giver) and possessor (taker).

10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.

11. Loiter on or about school property.

12. Gamble on school property or at school functions.

13. Smoke or use of a cigarette, cigar, pipe, chewing or smokeless tobacco, e-cigarettes, vaping products, and any other products containing nicotine or tobacco.

14. Other than at school functions which are open to the general public, the use of recording devices of any kind (visual and or audio) are not permitted without prior approval of the school official. This includes but is not limited to: video cameras, cameras, cell phones, etc.

15. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.

16. Willfully incite others to commit any of the acts prohibited by this code.

17. Violate any federal or state statute, local ordinance, or board policy while on school property or while at a school function.

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

1. Visitors: Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. Authorities may be notified.

2. Students: They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.

3. Faculty members: They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.

5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.



F. Enforcement

1. The District Superintendent/Building Principal or designee shall be responsible for enforcing the conduct required by this code.
2. When the District Superintendent/Building Principal or designee sees an individual engaged in prohibited conduct, which does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.
3. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XV. Dissemination and Review

A. Dissemination of Code of Conduct. The Board of Education will work to ensure that the community is aware of this code of conduct by:

1. Mailing a summary of the Code of Conduct written in each family's home language to all families/guardians of BOCES students before the beginning of the school year and making this summary available later upon request.
2. Making copies of the code available to all families/guardians at the beginning of the school year or when their child is enrolled in school.
3. Providing all staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
5. Making copies of the code available for review by students, families/guardians, and other community members.
6. Posting the code to the BOCES website.

B. Review

1. The Board of Education will support an annual in-service education program for all staff members to ensure the effective implementation of the Code of Conduct.



2. The Board of Education will review this Code of Conduct every year and update it, as necessary. In conducting the review, the Board of Education will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.
3. Before adopting any revisions to the code, the Board of Education will hold at least one public hearing at which school personnel, families/guardians, students, and any other interested party may participate.
4. The Code of Conduct and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

Refer also to:

- P1440 Non-Discrimination and Anti-Harassment in the BOCES
- P2411 Prohibition of Weapons on BOCES Grounds
- P2412 Threats of Violence in School
- P5111 Student-Staff Relations (Fraternization)
- P5260 Acceptable Use of Internet and Learning Access
- P5261 Individual User Acceptable Use of Internet and Learning
- P6110 Student Attendance
- P6220 Alcohol, Drugs & Other Substances – Students
- P6230 Bullying: Peer Abuse in the School
- P6241 Gun-Free Schools Policy
- P6450 Dignity for All Students Act
- P7121 Discipline of Students with Disabilities
- P7250 Misuse/Abuse of Software and/or Electronic Communication Systems