MONROE 2-ORLEANS BOCES

Student
Code of Conduct

2026-2027

Equal Opportunity Notice

The Monroe 2-Orleans Board of Cooperative Educational Services does not discriminate on the basis of age, sex, race, religion, color, national origin, disability, creed, marital status, veteran status, military status, sexual orientation, prior criminal offense, domestic violence victim status, gender identity, gender expression, or genetic status in its programs or activities and provides equal access to the Scouting America and other designated youth groups. The following office has been designated to handle complaints/inquiries regarding the BOCES non-discrimination policies: Assistant Superintendent for Human Resources, 3599 Big Ridge Road, Spencerport, New York 14559, 585-352-2420, and is also the Title VII and Title IX Officer. For further information, go to https://ocrcas.ed.gov/contact-ocr for the address and phone number of the office that serves your area, or call 1-800-421-3481. Please note that those wishing to file a complaint may also do so through the Department of Education's Office for Civil Rights at http://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint. See also New York State Executive Law 296.

Monroe 2-Orleans BOCES complies with the Americans with Disabilities Act (ADA) which provides access to all its services, programs, activities, and employment for those individuals with a disability. Monroe 2-Orleans BOCES will provide reasonable accommodations and/or appropriate modifications, aides, and services as required by law to provide access to individuals with disabilities to its programs, services, employment, and activities. Any individual requesting an accommodation must notify the ADA Compliance Officer at least 72 hours prior to the event or program or activity. BOCES non-discrimination employment policy 1440 and student policy 6460 can be found on the Community Tab. Disability Discrimination Complaint procedure is found in Regulation 2000 and 6461 located on the Monroe 2-Orleans BOCES website under the Community Tab. The designated ADA Compliance Officer is the Assistant Superintendent for Human Resources, 3599 Big Ridge Road, Spencerport NY 14559, 585-352-2420.

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Code of Conduct

I. Introduction

The Monroe 2-Orleans Board of Cooperative Educational Services (Board) is committed to providing a safe, respectful, healthy, civil, orderly, and supportive school environment where students may receive, and staff may deliver quality educational services without disruption or interference. Responsible behavior by students, staff, parents/legal guardians, board members, and visitors is essential to achieving this goal.

The Board has a set of expectations for conduct on all BOCES property (whether owned or leased) and at all BOCES functions (wherever the function is located) and/or including at a work-based learning site. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly, consistently, lawfully, and fairly. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, staff, parents/legal guardians, and visitors when on BOCES (owned or leased) property or at a BOCES function wherever the function is located, including work-based learning sites.

II. Definitions

For purposes of this Code, the following definitions apply.

"Authorized BOCES official" is a building administrator, program supervisor, or employee designated to act in an official capacity.

"Business Days" means days BOCES is open for staff.

"Disruptive student" means an elementary or secondary student under 21 years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

A substantial disruption or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

"CTE" means Career and Technical Education.

"CWD" means Center for Workforce Development.

"DASA" means Dignity for All Students Act as outlined in New York State Education Law.

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“Instructional Staff’ means BOCES staff members who provide direct instruction or a related service to the student.
“Parent” means natural parent, legal guardian, or person in parental relation to a student.

“BOCES property” means in, on, or within any building, structure, athletic field, playground, parking lot or land contained within the real property boundary lines of a public elementary or secondary school, or the BOCES or any leased facility or in or on a school bus/bus/vehicle (as defined in Vehicle and Traffic Law § 142) personal vehicle or any BOCES program or service regardless of the off-site location such as work-based learning programs or remote work. BOCES property also means objects or implements owned by the BOCES such as textbooks, computer equipment, lockers, telephones, tables, halls, equipment, etc.

“BOCES function” means any BOCES-sponsored extra-curricular event or any activity wherever located, including a work-based learning site [(Education Law 2801(1)].

“Possession” includes on the person or in the belongings of the person, whether the person owns the item or belongings or not, or at a BOCES location, on BOCES property or at a BOCES function where a drug, illegal substance, marijuana, drug paraphernalia, or alcohol is present.

“School-based mental health staff” means school social workers, psychologists, and counselors.

“Staff” means all instructional and non-instructional employees of the BOCES.

“Vendor” means a non-BOCES employee providing supplemental staffing; programs; training; instruction to students and/or BOCES staff and/or providing an item or equipment to BOCES.

“Student” means all preschool, elementary, secondary, and over age 18 learners, excluding Center for Workforce Development adult learners, enrolled in BOCES schools/programs.

“Work-based learning site” means an off-BOCES site location at a facility, company, etc., where a student is placed for authentic learning.

The law defines a “firearm” as: a gun, pistol, revolver, shotgun, rifle, weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, starter gun, machine gun, the frame or receiver of any weapon described above, rocket having a propellant charge of more than 4 oz., missile having an explosive or incendiary charge of more than ¼ oz., bomb, mine, grenade, firearm silencer or firearm muffler, or explosive or incendiary or poison gas or a look-a-like firearm.

Live ammunition is prohibited on BOCES property or at a BOCES function.

A “weapon” is defined as: a pocket knife or knife with a blade of or more than 2.5 inches; a weapon, device, instrument, material or an animate or inanimate substance used for or readily capable of causing death or serious bodily injury; firearm; pistol; revolver; shotgun; rifle; altered or modified shotgun or rifle; assault weapon; imitation pistol; dagger; dangerous knife; dirk; razor; stiletto; electronic dart gun; electronic stun gun; gravity knife; switchblade knife; pilum ballistic knife; metal knuckles knife; cane sword; billy; black jack; bludgeon; plastic knuckles; metal

knuckles; chuka stick; sandbag; sandclub; wrist brace-type slingshot or slingshot; shirken; kung-fu star; or a look-a-like weapon; bow, crossbow or arrow; matches or lighters when used or attempted to injure staff, students or any person upon BOCES property or at a BOCES function.

III. Student Bill of Rights

A. Student Rights

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

1. Take part in all BOCES functions on an equal basis regardless of race, marital status, age, color, creed, national origin, religion, gender, genetic status, victim of domestic violence, military, or veteran status, sexual orientation, gender identity, gender expression, victim of domestic violence, and/or disability.
2. Present their version of the relevant events to staff.
3. Access rules and, when necessary, receive an explanation of those rules from staff.

B. Student Responsibilities

All students have the responsibility to:

1. Contribute to maintaining a safe, respectful, healthy, civil, orderly, and supportive school environment that is conducive to learning and to show respect to staff, students, and other persons lawfully on BOCES property and to BOCES property, itself.
2. Be familiar with and abide by all home school district, site location and BOCES policies, rules and regulations dealing with student conduct.
3. Attend school, whether in person or remotely, every day unless an excused absence is provided, be on time for class, and be prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. Respond to direction given by staff in a respectful, positive manner.
6. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, color, creed, religion, national origin, gender, disability, sexual orientation, gender identity, or gender expression, which will strengthen students' self-concept and promote confidence to learn.
7. Use strategies to control their anger.
8. Ask questions when they do not understand.
9. Seek help in solving problems that might otherwise lead to discipline.
10. Dress and groom for school, BOCES, or BOCES-related functions, or at a work-based learning site, in accordance with the dress code or expectations.
11. Accept responsibility for their behavior.

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12. Conduct themselves as representatives of the BOCES when participating in or attending BOCES or BOCES-related function(s); to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
13. Report violation(s) of Code to a staff member.

IV. Essential Partners

A. Parents/Legal Guardians

All parents/legal guardians are expected to:

1. Recognize that the education of their student(s) is a shared responsibility between parents/legal guardians and the school community.
2. Send their student(s) to school ready to participate and learn.
3. Ensure their student(s) attend school daily and on time.
4. Ensure absences are excused. Comply with procedures for calling in absences and providing a written excuse.
5. Insist their student(s) be dressed and groomed in a manner consistent with the student dress code or work-based learning expectation.
6. Help their student(s) understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment.
7. Know, understand, and abide by school district and BOCES policies, regulations, and rules and of any off-site location policies.
8. Convey to their student(s) a supportive attitude toward education and the BOCES.
9. Build good relationships with staff, other parents/legal guardians, and their students' friends.
10. Help their student(s) deal effectively with peer pressure.
11. Inform an authorized BOCES official of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Provide information to the DASA coordinator/school official on any incidences of harassment, discrimination, or bullying behavior impacting their student(s).

B. BOCES Instructional Staff

All BOCES instructional staff (as applicable) are expected to:

1. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, prior criminal offense, domestic violence victim status, genetic status, gender identity, or gender expression, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach the curriculum and adjust to students' learning styles; demonstrate interest in teaching and concern for student achievement; and commit to continuous learning and professionalism.

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3. Know BOCES policies, regulations, and rules, and enforce them in a fair, consistent, prompt, and lawful manner.
4. Communicate to students and parents/legal guardians:
    a. Course objectives and requirements
    b. Marking/grading procedures
    c. Assignment deadlines
    d. Classroom Rules
    e. Attendance requirements
5. Communicate regularly with students, parents/legal guardians, and staff, concerning growth and achievement or lack thereof, as well as problem areas and issues which need addressing.
6. Utilize staff in a manner intended to consistently improve student achievement.
7. Maintain current and accurate student records.
8. Use cell phones or electronic devices on BOCES property and/or at BOCES or BOCES-related functions, only in an appropriate manner in compliance with BOCES policies/procedures.
9. Address and/or report to the DASA coordinator in a timely manner issues of harassment, discrimination, or bullying that threaten the emotional or physical health or safety of a student.
10. Maintain an environment that does not discriminate, harass, or bully a student as defined in policy and regulation 6462 and as outlined in Section VI of this Code.

C. BOCES Staff

All BOCES staff are expected to:

1. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, prior criminal offense, domestic violence victim status, genetic status, gender identity, or gender expression, which will strengthen students' self-concept and promote confidence to learn.
2. Know BOCES policies, regulations, and rules, and enforce them in a fair, consistent, prompt, and lawful manner.
3. Use cell phones or electronic devices on BOCES property and/or at BOCES or BOCES-related functions, only in an appropriate manner in compliance with BOCES policies/procedures.
4. Address and/or report to the DASA coordinator in a timely manner issues of harassment, discrimination, or bullying that threaten the emotional or physical health or safety of a student.
5. Maintain an environment that does not discriminate, harass, or bully a student as defined in policy and regulation 6462 and as outlined in Section VI of this Code.

D. BOCES School-based Mental Health Staff

BOCES School-based Mental Health Staff are expected to:

1. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, gender identity, gender expression, prior criminal offense, domestic violence victim status, or genetic status which will strengthen students' self-concept and promote confidence to learn.
2. Assist students in coping with peer pressure, trauma, and their personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/legal guardian teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Provide information to assist students with career planning.
6. Encourage students to benefit from the curriculum and extracurricular programs.
7. Maintain current and accurate student records.
6. Use cell phones or electronic devices on BOCES property and/or at BOCES or BOCES-related functions, only in an appropriate manner in compliance with BOCES policies/procedures.
8. Address and/or report issues to the DASA Coordinator in a timely manner of harassment, discrimination, or bullying that threaten the emotional or physical health or safety of a student.
9. Maintain an environment that does not discriminate, harass, or bully a student as defined in policy and regulation 6462 and as outlined in Section VI of this Code.

E. Authorized BOCES officials

Authorized BOCES officials are expected to:

1. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, gender identity, gender expression, prior criminal offense, domestic violence victim status, or genetic status which will strengthen students' self-concept and promote confidence to learn.
2. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning.
3. Ensure that students and staff have the opportunity to communicate regularly with the authorized BOCES official for redress of grievances.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.

6. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly, fairly, consistently, and lawfully.
7. Set the high expectation for all students, visitors, and staff that inappropriate language does not belong in a school setting.
8. Maintain current and accurate student records.
9. Use cell phones or electronic devices on BOCES property and/or at BOCES or BOCES-related functions, only in an appropriate manner in compliance with BOCES policies/procedures.
10. Address and/or report to the DASA coordinator in a timely manner issues of harassment, discrimination, or bullying that threaten the emotional or physical health or safety of a student.
11. Maintain an environment that does not discriminate, harass, or bully a student as defined in policy and regulation 6462 and as outlined in Section VI of this Code.

F. District Superintendent

The District Superintendent is expected to:

1. Model and maintain a climate of mutual respect and dignity, regardless of actual or perceived age, sex, race, gender identity, gender expression, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, prior criminal offense, domestic violence victim status, or genetic status which will strengthen students' self-concept and promote confidence to learn.
2. Promote a safe, orderly, respectful, civil, and healthy school environment, supporting active teaching and learning.
3. Review with authorized BOCES officials the policies of the BOCES and State and Federal laws relating to school operations and management.
4. Inform the Board about educational trends relating to student discipline.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with an authorized BOCES officials in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
7. Use cell phones or electronic devices on BOCES property and/or at BOCES or BOCES-related functions, or at school activities only in an appropriate manner in compliance with BOCES policies/procedures.
8. Address issues of harassment, discrimination, or bullying in a timely manner that threatens the emotional or physical health or safety of a student.
9. Maintain an environment that does not discriminate, harass, or bully a student as defined in policy and regulation 6462 and as outlined in Section VI of this Code.

G. Board

The Board is expected to:

1. Adopt and review at least annually the 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, and courteous manner.

H. Dignity for All Students Act Coordinator (DASA)

The BOCES-wide DASA Coordinator will coordinate, implement, review trends and track allegations and enforce Policy 6462. The BOCES-wide and School Level DASA Coordinators will report, investigate, and remedy bullying under Policy 6462.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness, grooming and to dress appropriately while at BOCES and BOCES functions. Students and their parents/legal guardians have the primary responsibility for acceptable student dress and grooming and helping students develop an understanding of appropriate appearance in the school setting and at BOCES functions. Staff should exemplify and reinforce acceptable student dress and grooming and help students develop an understanding of appropriate appearance in a school setting and at work-based learning sites and at BOCES functions.

A student's dress, grooming and appearance, including hair style/color, jewelry, make-up, and nails, shall adhere to the following:

1. Be safe, and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as net tops, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Ensure pants and shorts do not fall below waist/hip-line exposing underwear or any other clothing under pants/shorts.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. Not include items that are vulgar, obscene, lewd, libelous and/or disparage others on account of age, race, color, religion, creed, national origin, gender identity, gender expression, marital status, prior criminal offense, victim of domestic violence, genetic status, military or veteran status, sex, sexual orientation, or disability.
6. Not promote, endorse, and/or display the use of e-cigarettes, vaporizers or similar instruments, alcohol, tobacco, tobacco promoted items such as brand names, logos, identifiers, nicotine, nicotine like products, illegal drugs, drug paraphernalia, firearms or weapons, pornography, or sexually explicit materials, and/or encourage other illegal or violent activities or gang affiliation.
7. Hats and head coverings are appropriate if they do not create a substantial disruption, are not a safety issue, do not interfere with the program/class and do not violate numbers 5 and 6, above.

8. Face coverings are appropriate, if they do not create a substantial disruption, are not a safety issue, do not interfere with the program/class, do not violate numbers 5 and 6 above and the student can still be identified.

Each authorized BOCES official shall be responsible for informing all students and their parents/legal 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.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offensive item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline up to and including expulsion.

VI. Prohibited Student Conduct

The BOCES expects all students to conduct themselves in an appropriate, respectful, and civil manner, with proper regard for the rights and welfare of other students, staff, and other members of the BOCES community, and for BOCES property.

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. Staff who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students to grow in self-discipline.

Students who violate this Code will be required to accept the consequences for their conduct.

Students may be subject to disciplinary action, up to and including suspension or expulsion from school or a program, when they:

(Note: In any of these categories, law enforcement may be called).

A. Engage in conduct that is disruptive (i.e., any action or actions that result in a delay or interruption of the educational process for themselves and/or other students) or conduct that is disorderly (i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof). Examples of disruptive or disorderly conduct include but are not limited to:
   1. Running in the building, hallways, or school rooms.
   2. Interrupting class, program and/or instruction.
   3. Making unreasonable noise.
   4. Using language or gestures that are profane, lewd, vulgar, or abusive in any form (i.e., verbal, written, emails, text messaging, chat rooms, social media, website, cell phone, sexting, upskirting, taking photographs without consent) such as cursing or swearing.
   5. Obstructing vehicular or pedestrian traffic.
   6. Driving recklessly.
   7. Violating any driving road rules, laws or BOCES rules while operating a motor vehicle.

8. Engaging in any act which disrupts the normal operation of the school and/or school community.
9. Trespassing. Students are not permitted in any school or BOCES building or on BOCES property, or at a BOCES function, other than the one they regularly attend, without permission from the authorized BOCES official.
10. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES acceptable use policy (Policy 6214, Student use of Computerized Information Resources).
11. Indoor use of skateboards, rollerblades, Ripstiks or the like.
12. A student who removes an instrument from a classroom or misuses an instrument needed in the classroom while in or out of the classroom, such as a clay cutter or an X-acto knife from art class, or a drill or hammer, etc., is considered to be in possession of a weapon. A student who uses the instrument in the classroom properly is not considered to be in possession of a weapon.

B. Engage in conduct that is insubordinate, i.e. failing to comply with the lawful directions of a teacher, school administrator or other school and/or BOCES employee in charge of the student. Examples of insubordinate conduct include but are not limited to these incidents OR any violation of ANY other policy or regulation and/or any section of this Code of Conduct:
   1. Failing to comply or refusing to comply with the reasonable directions of a staff member.
   2. Demonstrating disrespect for program expectations or the Code of Conduct.
   3. Lateness for missing or leaving school without permission.
   4. Any form of academic misconduct. Examples of academic misconduct include but are not limited to:
      a) Plagiarism,
      b) Cheating,
      c) Copying,
      d) Altering records, or
      e) Assisting another in any of the above actions.
   5. Refusing to leave a classroom or BOCES grounds when directed.
   6. Refusing a search.

C. Engage in conduct that is violent. A violent student is defined as an elementary or secondary student under the age of 21 who engages in violent conduct. [N.Y. Educ. Law §§ 2801(2)(m) and 3214(2-a)(a)]. Examples of violent conduct include but are not limited to:
   1. Committing or threatening an act of violence (such as hitting, kicking, punching, spitting, or scratching) upon another staff or student or any other person lawfully on BOCES property or attempting to do so.
   2. Possessing a firearm or weapon or other dangerous instrument capable of causing death or physical injury, or what appears to be a firearm or weapon including a facsimile and/or a 3D Printer created weapon or firearm, even if not operable. Authorized law enforcement officials called by BOCES or legally on BOCES

property for an official purpose are the only persons permitted to have a firearm or weapon in their possession while on BOCES property or at a BOCES function.

3. Displaying what appears to be a firearm or weapon or other dangerous instrument capable of causing death or physical injury.
4. Threatening to use any firearm or weapon or what appears to be a firearm or weapon including weapons and/or firearms created with a 3D Printer, even if not operable, or other dangerous instrument capable of causing death or physical injury.
5. A student who removes an instrument from a classroom or misuses an instrument needed while in or out of the classroom, such as a clay cutter or an X-acto knife from art class, or a drill or hammer, etc., is considered to be in possession of a weapon. A student who uses the instrument in class in accordance with the curriculum is not to be considered in possession of a weapon.
6. Knowingly and intentionally damaging or destroying the personal property of a student, staff, or any other person lawfully on BOCES property.
7. Knowingly and intentionally damaging or destroying any BOCES property by use of graffiti or arson or any other means.

D. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of others. Examples of such conduct include but are not limited to:

1. Lying to BOCES staff.
2. Stealing the property of other students, BOCES staff or any other person on BOCES property or attending a BOCES function.
3. 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 on BOCES property, off BOCES property provided the defamation creates a disruption to school, or through social media provided the defamation creates a disruption to school (including electronic media such as via cell phone, texting, emails, website, IM's, chat rooms and the like).
4. Discrimination, bullying, and/or harassment that creates a hostile environment for an employee or students by conduct or by threats, intimidation, or abuse including cyberbullying (through any form of electronic communication or social media) that either:

   Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or

   Reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for their physical safety.

   Such conduct shall include acts of harassment and/or bullying that occur:
   (i) on BOCES property,
   (ii) at a BOCES function, or

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(iii) off school property where such acts create a substantial disruption or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

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

For purposes of this paragraph, "emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

5. Discrimination, harassment, or bullying which includes the use of age, sex, race, gender identity, gender expression, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, prior criminal offense, domestic violence victim status, interns, or genetic status as a basis for treating another in a negative manner.
6. Harassment/bullying/cyberbullying, which includes 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, extortion or put down through electronic devices including but not limited to email, iPods, iPads, computer use, website, chat rooms, IM's, text messaging or cyber image(s) or verbally, including the action known as sexting, upskirting or taking photographs of another without consent and/or creating nude and/or lewd images of students using AI and sending to others or posting such images on social media.
7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
8. Hazing, which includes any intentional or reckless act directed against another for the purpose of induction or initiation into, affiliating with or maintaining membership in any BOCES sponsored activity, organization, club, or team.
9. Selling, distributing, sharing, exchanging, creating, using, or possessing lewd material.
10. Smoking, selling, sharing, distributing, using, exchanging, consuming, manufacturing and/or possessing a tobacco product and/or any product in any form that contains nicotine, including an e-cigarette or a vaporizer. Tobacco shall be defined as any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove, cigarette, and any other smoking product matter or substance that contains tobacco, and spit tobaccos, (smokeless, dip chew and/or snuff), in any form.
11. Possessing, consuming, selling, distributing, using, sharing, exchanging, manufacturing, or under the influence or appear under the influence of: a) vitamins, herbs and supplements; b) alcoholic beverages in any form such as a powdered alcohol; c) illegal substances, or a substance thought by the student to be illegal. "Illegal substances" includes, but is not limited to: inhalants, marijuana, opioids, cocaine, THC, THC edibles, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs." The law enforcement may be called in these instances.

12. Using, selling, distributing, sharing, possessing, consuming, exchanging, manufacturing, being under the influence or appears to be under the influence of, prescription and/or over-the-counter drugs or substances thought by the student to be over the counter or prescription drugs.
13. Using, selling, distributing, sharing, possessing, consuming, exchanging, manufacturing, or being under the influence of or appears to be under the influence of legal substances that mimic the effects of an illegal substance or drug, or any prescription marijuana.
14. Possessing, using, selling, sharing, distributing, manufacturing, or exchanging drug paraphernalia or items that could be used as drug paraphernalia. Drug paraphernalia includes but is not limited to any kind of equipment, product, or material intended to be used for or used for the manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, or inhaling such as lighters, matches, drops in e-cigarettes and vaporizers, "dab," "dabs," or "dab pens," residue in any form that tests positive for THC, bowls, scales, or dime bags.
15. Gambling.
16. Indecent exposure, that is, exposure to sight of the private parts of the body in person, sexting, or through Internet websites, IM's, text messaging, chat rooms, emails, cell phones, upskirting, and the like and/or generating nude AI images and posting to social media or sending such images.
17. Initiating a report warning of an intruder, a fire, a bomb threat, or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
18. Engaging in off-campus misconduct that substantially disrupts or can reasonably be expected to substantially disrupt the student(s) education and/or the educational process in BOCES or at a BOCES function.
19. Using a hand-held laser pointer not approved or supervised by the BOCES staff.

E. Engage in misconduct while on school transportation. It is crucial for students to behave appropriately while riding on a school vehicle to ensure their safety and that of other passengers and to avoid distracting the driver. Students are required to conduct themselves in a manner consistent with established standards for classroom behavior while on the bus or in a school vehicle. Excessive noise, pushing, shoving, and fighting, etc., or violating the Code of Conduct will not be tolerated in a school or on a BOCES vehicle.

VII. Reporting Violations

All students are expected to promptly report violations of the Code of Conduct to a BOCES staff member including observing a student possessing a weapon, firearm, alcohol, powdered alcohol, any illegal substance, OTC medications, prescription medications, vaporizer, or e-cigarettes or a similar instrument, on BOCES property or at a BOCES function.

All BOCES staff who are authorized to impose disciplinary sanctions are expected to do so promptly, fairly, consistently, and lawfully. BOCES staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their

supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a BOCES staff member who is authorized to impose an appropriate sanction.

The authorized BOCES official or their designee may notify the appropriate local law enforcement agency of any of those Code violations but mostly for those that constitute a crime or substantially affect the order or security of school or a BOCES program as soon as practical.

For discrimination, harassment or bullying violations, the procedures in Regulation 6462 outline how to report, respond and investigate.

VIII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when directly dealing with the problem at the time and place where the conduct occurs, and in a way that students view as fair and impartial. BOCES staff who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop in skills of self-discipline.

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

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

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

Under no circumstance, however, will a student in the pre-school aged program be suspended or expelled.

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 and discipline, if warranted, shall be administrated consistent with the separate requirements of this Code of Conduct for disciplining students with disability or presumed to have a disability. A student having a disability shall not be disciplined for behavior related to their disability.

In incidents of harassment, discrimination and/or bullying, discipline will be progressive. To determine appropriate discipline, BOCES officials will consider the age of the student, previous disciplinary record, and physical and psychological effect of the student who was harassed/bullied/discriminated against. Efforts should be made to end the harassment, bullying, discrimination (present and/or recurring), and the hostile environment, and provide an education or intervention.

A. Penalties

Students who are found to have violated the Code of Conduct may be subject to the following penalties, either alone or in combination. The BOCES staff identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the BOCES staff.
2. Written warning – District Superintendent/designee, director, program supervisor, executive principal, principal, assistant principal, counselor, teachers, and security personnel.
3. Suspension from social or extracurricular activities – District Superintendent/designee, executive principal, principal, program supervisor, assistant principal, and director.
4. Suspension of other privileges – District Superintendent/designee, director, executive principal, principal, program supervisor, assistant principal.
5. Removal from classroom**,** property, or function – District Superintendent/designee, executive principal, principal, director, assistant principal, program supervisor, instructional staff, security personnel.
6. In-school suspension – District Superintendent/designee, program supervisor, director, executive principal, principal, assistant principal.
7. Short-term (five days or less) suspension from school – District Superintendent/designee, director, program supervisor, executive principal, principal.
8. Long-term (more than five days) suspension from school – Superintendent of home district.
9. Dismissal from program – District Superintendent/designee.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the BOCES staff authorized to impose the penalty must inform the student of the alleged misconduct and investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the BOCES staff imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to be given penalties other than an oral warning, or written warning are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Teacher removal of disruptive students:

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

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counseling. Time-honored classroom management techniques such as these do not constitute discipline removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For the purpose of this Code of Conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for one day. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may request that the student 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 24 hours.

The teacher must complete a BOCES established disciplinary removal form and contact the authorized BOCES official or their 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 removal form.

Within 24 hours of the student's removal, the teacher must notify the student's parents/legal guardians, in writing, that the student has been removed from class and state the reasons for removal. The notice must also inform the parent/legal guardian that they have the right, upon request, to meet informally with the authorized BOCES official and the teacher to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the student's removal at the last known address for the parents/legal 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 parents/legal guardians.

The authorized BOCES official will require the teacher who ordered the removal to attend the informal meeting.

If at the informal meeting the student denies the charges, the teacher must explain why the student was removed and give the student and the student's parents/legal guardians 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/legal guardian and authorized BOCES official.

The authorized BOCES official may overturn the removal of the student from class if the authorized BOCES official finds any one of the following:

a. The charges against the student are not supported by competent and substantial evidence;
b. The student's removal is otherwise in violation of law, including the Code of Conduct;
c. The conduct warrants suspension from school pursuant the Education Law § 3214 and a suspension will be imposed.

The authorized BOCES official 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 meeting 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 authorized BOCES official 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 until they are permitted to return to the classroom.

Each teacher must keep a complete log (on a BOCES provided form) for all cases of removal of students from their class. The authorized BOCES official 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 their class until they have verified with the authorized BOCES official that the removal will not violate the student's rights under state or federal law or regulation.

2. Suspension from extracurricular activities and other privileges:

A student subjected to a suspension from extracurricular activities or other privileges such as graduation ceremonies or dances, is not entitled to a full hearing pursuant to Education Law § 3214. However, the student and the student's parents/legal guardians will be provided with a reasonable opportunity for an informal conference with the BOCES official imposing the suspension to discuss the conduct and the penalty involved.

3. In-School suspension:

The BOCES must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes the executive principal, director, building principal, assistant principal, program supervisors, and the District Superintendent/designee to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law § 3214. However, the students and the student's parents/legal guardians will be provided with a reasonable opportunity for an informal conference with the authorized BOCES official imposing the in-school suspension to discuss the conduct and the penalty involved.

4. Suspension from school:

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent, disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of others. The BOCES retains its authority to suspend students, but places primary responsibility for the suspension of the students with the District Superintendent and the authorized BOCES official. All staff members must immediately report and refer 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.

The authorized BOCES official 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 (5 days or less) suspension from school.

When the authorized BOCES official or District Superintendent (referred to as the "suspending authority") propose to suspend a student for five days or less pursuant to Education Law § 3214 (3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents/legal guardians in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/legal guardians. Where possible, notice should be provided by telephone also if the school has been provided with a telephone number(s) for the purpose of contacting the parents/legal guardians but will not replace the 24-hour written notice.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents/legal guardians of the right to request an immediate informal conference prior to suspension. The notice shall also be in the dominant language of the parents/legal guardians.

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 is an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, suspension is immediate, and the notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to ensure receipt within 24 hours of the suspension at the last known address for the parents/legal 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 parents/legal guardians. The notice shall provide an opportunity for an informal conference to take place as soon after the suspension as is reasonably practicable.

At the conference, the parents/legal guardians shall be permitted to ask questions of complaining witnesses under such procedures as the authorized BOCES official may establish.

After the conference, the authorized BOCES official shall promptly advise the parents/legal guardians in writing of their decision. The authorized BOCES official shall advise the parents/legal guardians that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the District Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The District Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents/legal guardians are not satisfied with the District Superintendent's decision, they may file a written appeal to the Board with the District Clerk within 10 business days of the date of the District Superintendent's letter, unless they can show extraordinary circumstances precluding them from doing so. A final decision by the Board may be appealed to the New York State Commissioner of Education.

b. Long-term (more than 5 days) suspension from school.

When the District Superintendent or authorized BOCES official determines that a suspension for more than five days may be warranted, they shall give reasonable notice to the student and student's parents/legal guardians of their right to a fair hearing that will be conducted by the home school district. The hearings and all correspondence related thereto will be conducted by the home school district.

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C. Minimum Periods of Suspension

1. Students who bring a firearm or weapon to school.

Any student found guilty of bringing a firearm or weapon onto school or BOCES property or to a BOCES function or who possesses or brandishes a firearm, or a weapon would be subject to suspension from school for at least one calendar year from the date of the incident. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law § 3214 conducted through the home school district.

The home district superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the home district 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 parents/legal guardians, teachers and/or others, and
f. Other extenuating circumstances.

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

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

Any student who is found to have committed or threatened a violent act, other than bringing a firearm or weapon onto school or BOCES property, or at a BOCES function, vandalizes or violates a student's civil rights, or harasses shall be subject to suspension from school for at least five school days. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

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

Any student who repeatedly is substantially disruptive to the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five school days. For purposes of this Code of Conduct, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by the teacher(s) pursuant to Education Law § 3214(3)(a) and this Code on four or more occasions during a semester. The student and the student's parent/legal guardian will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. A student with a disability may be suspended only in accordance with the requirements of state and federal law.

D. Referrals

1. Counseling:

The School Based Mental Health Staff shall handle all referrals of students to counseling. At the CTE program during the re-entry meeting or in other circumstances, the counseling office will be utilized to assist students or make referrals.

2. PINS Petition:

The BOCES and/or home district may file a PINS (Person In Need of Supervision) Petition in Court on any student under the age of 18 who demonstrates that they require supervision and treatment by but not limited to:

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 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.

3. Juvenile Delinquents and Juvenile Offenders:

The home school district 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 firearm or weapon to school.

IX. Alternative Instruction

When a student of compulsory attendance age is suspended from school pursuant to Education Law § 3214, the home school district will take immediate steps to provide alternative means of instruction for the student. For students suspended in school, or removed from the classroom, BOCES will take the necessary steps to ensure continued educational programming and activities.

X. Discipline of Students with Disabilities

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

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

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A "suspension" 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 or the home school district's superintendent because the student poses a risk of harm to themselves or others.

An "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, that 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, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. Authorized BOCES official staff may order the suspension or removal of a student with a disability from their current educational placement as follows:

a. A 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 home school superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 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 it is determined 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 home school superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 school days, if the student possesses a weapon on BOCES property or at a BOCES function, or the student possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at or on BOCES property or a BOCES function, or inflicts serious bodily injury upon another at BOCES or on BOCES property or at a BOCES function. Serious bodily injury is defined as one of the following: substantial risk of death or extreme physical pain

or obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or faculty.

1) "Weapon" means the same as "dangerous weapon" under 18 USC § 930 (g)(3) which includes "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 pocketknife with a blade less than 2 ½ inches in length" (See section II for a full definition of a weapon).
2) "Controlled substance" means a drug or other substance identified in certain provisions of the Federal Controlled Substance 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 Substance Act or any other federal law.

3. 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 school days at a time, if maintaining the student in their current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rules

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

a. For up to 10 school days in a school year that do not constitute a change in placement;
b. For subsequent suspensions for periods of ten (10) consecutive school days or less in the aggregate total more than ten (10) school days in a school year, but do not constitute a disciplinary change in placement;
c. For periods in excess of ten (10) school days in a school year which do not constitute a disciplinary change in placement.

2. BOCES staff 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.

However, the BOCES may impose a suspension or removal, which would otherwise result in a disciplinary change of placement, based on a pattern of suspensions or removals if the manifestation team has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances or inflicted serious bodily injury.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

BOCES will consult with the home school district's Committee on Special Education concerning suspension or removal of students with disabilities.

D. Expedited Due Process Hearings

BOCES will defer to the home school district's Committee on Special Education concerning expediting due process hearings.

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of a student by BOCES staff is strictly forbidden. Physical restraint may be used in very limited and narrow circumstances as outlined in BOCES Policy.

XII. Student Interrogations and Searches

The BOCES is committed to ensuring an atmosphere on its property and at BOCES functions that is safe and orderly. To achieve this kind of environment, any authorized BOCES official may impose a disciplinary penalty on a student and may question a student about an alleged violation of law or the Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by authorized BOCES officials, nor are authorized BOCES officials required to contact a student's parent/legal guardian before questioning the student. However, authorized BOCES officials will inform all students why they are being questioned.

A student does not need to consent to a search of their person (pat down) or of their belongings. An authorized BOCES official may search a student and/or student's belongings or the belongings on the student and/or in the student's possession. Prior to that search, the authorized BOCES official will first initiate a conversation with the student in an effort to have the student admit to their behavior that is violating the law or the Code of Conduct and/or turn over the contraband in lieu of having to perform a search. A student who prevents a search can be suspended for insubordination.

An authorized BOCES official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag or the like, without reasonable suspicion, so long as the BOCES official has a legitimate reason for the very limited search.

An authorized BOCES official may search a student or the student's belongings (including but not limited to shoes/footwear, car, purse, cell phone, book bag, electronic device) based upon reasonable suspicion which includes information received from a reliable informant. Individuals will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or 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. BOCES staff will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Students may be searched, and contraband seized if

reasonable suspicion exists. Reasonable suspicion means the search was justified at its inception and is limited in scope.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students could be present when their possessions are being searched, and two adults will be present if possible. If possible one adult should be of the same gender as the student's preference, biological gender, or the gender the student identifies as.

A. BOCES Owned Property

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, rooms, cabinets, computers, and other BOCES property such as compartments, equipment, supplies and/or storage places and the like. Students have no reasonable expectation of privacy with respect to these places and authorized BOCES officials retain complete control over these items. This means that student lockers, desks, rooms, cabinets, computers, and other BOCES owned items and storage places, may be subject to search at any time by authorized BOCES officials, without prior notice to students and without their consent. Students should not expect the materials stored therein to be private.

B. Documentation of Searches

The authorized BOCES official conducting any search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Reason(s) for the search;
3. Name of any informant(s), unless confidential;
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and their title and position;
7. Witnesses to the search;
8. Time and location of search;
9. Results of search (that is, what item(s) were found);
10. Disposition of item(s) found;
11. Time, manner, and results of parent/legal guardian notification.

The administrator must photograph the item to be used if the incident will lead to a short-term or long-term suspension hearing. Illegal contraband will not be returned to the parent/legal guardian (THC, alcohol, drugs, etc.) but will be sent to the Safety and Security Coordinator for safe storage. The Director of Security will arrange for Ogden Police Department to retrieve and dispose of the contraband.

Parents/legal guardians may pick up a vape or e-cigarette that was seized from their student.

C. Law Enforcement Involvement in Searches and Interrogations of Students

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

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school or BOCES property or at a BOCES function; or
3. Been invited by BOCES.

NOTE: Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. BOCES administrators shall at all times act in a manner that protects and guarantees the rights of students and parents/legal guardians.

It shall be the policy of the BOCES that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on BOCES owned or leased premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Before law enforcement officials are permitted to question or search any student, the authorized BOCES official or law enforcement or home school district representative shall first try to notify the student's parent/legal guardian to give the parent/legal guardian the opportunity to be present during the law enforcement questioning or search. If the parent/legal guardian can't be contacted, the law enforcement official will still question the student. The authorized BOCES official will also be present during any law enforcement questioning or search of a student on BOCES property or at a BOCES function.

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

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

D. Child Protective Services Investigations

Consistent with the BOCES commitment to keep students safe from harm and the obligation of mandated reporters to report to Child Protective Services (CPS) when they have reasonable cause to suspect that a student has been abused or maltreated, the BOCES will cooperate with and assist CPS workers and their multi-disciplinary team in accordance with Social Services Law but has discretion to refuse a meeting with CPS workers who wish to conduct interview(s) of student(s) on BOCES property relating to allegations of suspected child abuse, and/or maltreated, or custody investigations.

All requests by CPS to interview a student on BOCES property shall be made directly to the authorized BOCES official. The authorized BOCES official shall set the time and place of the interview if they determine the interview shall take place. The authorized BOCES official shall decide if it is necessary and appropriate for an authorized BOCES 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 clothing in order for the CPS worker to verify the allegations, the BOCES or district nurse or other BOCES or district medical personnel must be present during that portion of the interview. No student will be required to remove clothing in the presence of BOCES staff or CPS worker of the opposite sex. The BOCES staff or CPS worker's gender should be the same gender as the student's preference, biological gender, or the gender the student identifies as.

A CPS 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 they were not removed from the building 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 parent's/legal guardian's consent.

XIII. Visitors to the Schools

The BOCES encourages parents/legal guardians and other district citizens to visit the BOCES schools/programs and classrooms to observe the work of students, teachers and staff. Since schools are a place of work and learning, certain limits must be set for such visits. The authorized BOCES official is responsible for all persons on BOCES property and at a BOCES function. 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.
2. All visitors to the school must report to the office of the authorized BOCES official upon arrival at the school. They will be required to complete the visitor registration process. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents/legal guardians or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom

teacher(s) and/or program administrator so that class disruption is kept to a minimum.

4. Visitors should not be on the property for social purposes.
5. Any unauthorized person on school property will be reported to the authorized BOCES official. Unauthorized persons or authorized visitors who are disruptive will be asked to leave. The authorized BOCES official may be called if the situation warrants.
6. All visitors are expected to abide by the rules for public conduct on BOCES property contained in this Code of Conduct.

XIV. Public Conduct on School Property

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

The restriction on public conduct on BOCES property and at BOCES functions contained in this Code is 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 BOCES. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

All persons on BOCES property or attending a BOCES function shall conduct themselves in a respectful and orderly manner and be properly attired.

A. Prohibited Conduct

No person, either alone or with others, shall engage in the following behavior, including but not limited to:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy BOCES property or the personal property of a BOCES staff or any person on BOCES property, including by graffiti or arson.
3. Disrupt the orderly conduct of classes, BOCES programs or other BOCES activities.
4. Distribute or wear materials on BOCES property or at BOCES functions that are obscene, lewd, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the BOCES program.
5. Intimidate, harass, discriminate, or bully against any person on the basis of age, sex, race, color, creed, religion, national origin, marital status, veteran status, disability, military status, sexual orientation, gender identity, gender expression, prior criminal offense, domestic violence victim status, or genetic status.
6. Enter any portion of the 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. Possess, consume, sell, distribute, share, use, be under the influence or appear to be under the influence, manufacture or exchange alcoholic beverages, powdered alcohol in a beverage, controlled substances, any illegal substances, over-the-counter substances, look alike substances, legal substances that mimic the effects of an illegal substance, dabs, dap pens, designer drugs, herbs, supplements, steroids, vitamins, THC, over-the-counter and prescription medications or be under the influence of any of the above on BOCES property or at a BOCES function.
10. Smoking, selling, sharing, distributing, using, manufacturing, exchanging and/or possessing a tobacco product. Tobacco shall be defined as any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove, cigarette, and any other smoking product matter or substance that contains tobacco, and spit tobaccos, (smokeless, dip chew and/or snuff), in any form. The use of e-cigarettes and any and all other products containing nicotine is also prohibited.
11. The use, sharing, distributing, selling, or possession of e-cigarettes, vaporizers, or a similar instrument.
12. Possess, use, or threaten the use of a firearm(s) or weapon(s) or what appears to be a firearm or a weapon in or on BOCES property or at a BOCES function (except in the case of law enforcement officers) even if the firearm or weapon is lawfully possessed by the visitor.
13. Loiter on or about BOCES property or at a BOCES function.
14. Gamble on BOCES property or at BOCES functions.
15. Refuse to comply with any reasonable order of identifiable BOCES authorized officials performing their duties.
16. Incite others to commit any of the acts prohibited by this Code or law.
17. Violate any federal or state statute, local ordinance or BOCES policy while on BOCES property or while at a BOCES function.
18. Steal others or BOCES property.
19. Indecent exposure.

B. Penalties

Persons who violate this Code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on BOCES grounds or at the BOCES function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection by law enforcement authorities. They could also be permanently banned or barred from BOCES property and/or functions wherever the function(s) takes place.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured staff members. They shall be subject to removal or disciplinary action as the facts may warrant in accordance with Educational Law § 3020-a, if applicable, and/or any legal rights that they may have and possibly the subject of a Part 83 report.
4. Staff members in the classified service of civil service may be subject to removal or disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 if applicable and/or any other legal rights that they may have.

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

C. Enforcement

The District Superintendent and the authorized BOCES official shall be responsible for enforcing the conduct required by this Code.

When the District Superintendent, or the authorized BOCES official observes an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, they shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The authorized BOCES official shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the authorized BOCES official shall have the individual removed immediately from BOCES property or the BOCES function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The BOCES shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the BOCES reserves its right to pursue a civil or criminal legal action against any person violating the Code.

XV. Dissemination, Review, Training, and Dignity Act Coordinators

A. **Dissemination of Code of Conduct**

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

1. Providing copies of a plain language, age-appropriate summary of the Code to all students at the beginning of each school year.
2. Making copies of the Code available to all parents/legal guardians at the beginning of the school year.
3. Mailing a summary of the Code of Conduct written in plain language to all parents/legal guardians of BOCES students enrolled in BOCES instructional programs before the beginning of the school year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the Code, after its initial adoption, and a copy of any amendments to the Code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the Code available for review by students, parents /legal guardians, staff, and other community members.
7. Providing, upon request, the Code in the parent's/legal guardian's dominant language.

B. **Review**

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

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

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents/legal guardians, students, and any other interested party may participate.

The Code of Conduct and any amendments will be posted on the BOCES website. The link to the BOCES posting will be requested annually by New York State Education Department via the Student Safety and Educational Climate [SSEC] and will serve as the submission to the Commissioner of Education.

C. **DASA Training**

Training needs in support of the DASA Policy 6462 and intervention program will be reflected in the BOCES annual professional learning plan, new teacher orientation and in curriculum. Staff shall receive training to support implementation of that policy, regulation and on related legal developments.

D. **Dignity Act Coordinators**

The following people have been designated as the Dignity for All Students Act Coordinators:

Name	Building	Phone	E-mail
Thomas Schulte David Thering	BOCES-Wide/ESC Westview	352-2415 455-0973	tschulte@monroe2boces.org dthering@monroe2boces.org
Suzanne Maxim & Kerry Macko	Department for Exceptional Children	749-0308 617-2447	smaxim@monro2boces.org kmacko@monroe2boces.org
Robert Nells	Exceptional Children Learning Center	471-1581	rnells@monroe2boces.org
Renee Mulrooney & Christine Farrell	Terry Taylor Elementary	617-2633 469-1537	rmulroon@monroe2boces.org cfarrell@monroe2boces.org
David Liesegang & Jason Rotundo	Special Education Transition Programs at Slayton Plaza, Roberts Wesleyan, Paul Road, and Rochester Tech Park - WBL	617-2539 617-2461	dliesega@monroe2boces.org jrotundo@monroe2boces.org
David Thering	Ridgecrest Academy	455-0973	dthering@monroe2boces.org
Jennifer DeWitte	WEMOCO	352-2480	jdewitte@monroe2boces.org
Edward Mongold	Westside Academy	617-2551	emongold@monroe2boces.org

PLAIN LANGUAGE SUMMARY OF THE DIGNITY FOR ALL STUDENTS ACT (DASA)

BOCES adopted and will review annually a policy on Dignity for All Students Act (DASA) or commonly referred to as the anti-bullying policy. The complete detailed and thorough policy may be found on the BOCES website, policy #6462.

The policy explains that the Board is committed to providing an educational environment that promotes dignity, respect, and equality. The Board condemns and prohibits all forms of discrimination, harassment, hazing, bullying, and cyberbullying occurring on a BOCES-owned or leased grounds or facilities, school buses, BOCES-sponsored activities, events, programs, or work-based learning locations.

Bullying that occurs outside of BOCES that can be reasonably expected to substantially interferes with the operation of the school and/or program or interferes with the student's education could result in discipline.

The policy defines the terms discrimination, hazing, harassment, bullying, and cyberbullying in accordance with law. Discrimination is an act of denying benefits, rights, or equitable treatment or access because of a group or class or category in which that person belongs. Hazing is an induction or initiation process involving harassment which produces public humiliation and could involve physical or mental discomfort or injury or ridicule. Harassment or bullying is the creation of a hostile environment by conduct, verbal threats, intimidation, or abuse including cyberbullying that has the effect of unreasonably and substantially interfering with educational performance, opportunities and benefits, mental, emotional or physical well-being, or cause a fear of physical safety. Cyberbullying is harassment or bullying through any form of electronic communication. The harassing/bullying behavior may be based on or perception of:

- Race
- Color
- Weight
- National origin
- Ethnic group
- Religion or religious practice
- Disability
- Sex
- Sexual orientation
- Gender (including gender identity and expression)
- Protective hairstyle

Prevention

Prevention programs will be integrated into the curriculum; provide BOCES-wide training on early warning signs of bullying and training staff to respond; gather and analyze data to assist in program decisions and resource allocation. BOCES uses the PBIS system to prevent discrimination, harassment and bullying.

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Coordinators

A BOCES-wide Dignity Act Coordinator and a number of school-level Dignity Act Coordinators will be appointed to report, investigate, remedy and track bullying allegations. The BOCES-wide Coordinator will coordinate, review and implement trends. The following people are designated as Dignity Act Coordinators:

Name	Building	Phone	E-mail
Thomas Schulte David Thering	BOCES-Wide/ESC Westview	352-2415 455-0973	tschulte@monroe2boces.org dthering@monroe2boces.org
Suzanne Maxim & Kerry Macko	Department for Exceptional Children	749-0308 617-2447	smaxim@monro2boces.org kmacko@monroe2boces.org
Robert Nells	Exceptional Children Learning Center	471-1581	rnells@monroe2boces.org
Renee Mulrooney & Christine Farrell	Terry Taylor Elementary	617-2633 469-1537	rmulroon@monroe2boces.org cfarrell@monroe2boces.org
David Liesegang & Jason Rotundo	Special Education Transition Programs at Slayton Plaza, Roberts Wesleyan, Paul Road, and Rochester Tech Park - WBL	617-2539 617-2461	dliesega@monroe2boces.org jrotundo@monroe2boces.org
David Thering	Ridgecrest Academy	455-0973	dthering@monroe2boces.org
Jennifer DeWitte	WEMOCO	352-2480	jdewitte@monroe2boces.org
Edward Mongold	Westside Academy	617-2551	emongold@monroe2boces.org

Intervention

Intervention is an important step in preventing escalation and resolving issues at the earliest stages. Successful intervention may involve remediation, which includes measures to correct the behavior, protect the target, and prevent another occurrence. Staff are expected, when aware, to refer students to resources or intervene where bullying is suspected.

Provisions for not feeling safe at school

Students who do not feel safe at school lose the capacity to learn. Staff, principals/building administrators, and parents/legal guardians should work together to define and implement needed accommodations to help ensure student safety. This effort will be collaborative and handled individually.

Training

Training to support prevention and intervention will be reflected in the Annual Professional Development Plan, new teacher orientation, and in the curriculum.

Reporting and Investigation

Students, staff, and parents/legal guardians should report bullying behavior they have observed or experienced. Complaints will be documented, treated seriously, investigated promptly and thoroughly, and handled in accordance with the DASA regulations. Staff are expected to report an incident of bullying even if the student did not complain. The results of an investigation should be reported to the complainant and accused who can appeal based on the procedures outlined in the DASA regulation 6462.

Disciplinary Consequences/Remediation

Disciplinary action may include involving law enforcement if criminal conduct is involved. A clear message needs to be given that bullying actions are wrong and the behavior must discontinue. The consequences will be unique to the individual incident and vary depending on the severity of the behavior, the developmental age of the student, and the student's history of problem behaviors.

Non-Retaliation

All complainants and those who initiate, testify, assist, report, or participate in the investigation of a complaint in conformity with state law and BOCES policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind from anybody.

Dissemination, monitoring, review, and reporting

This policy will be reviewed annually. The Board will review the SSEC report annually with attention to bullying and may consider further action based on the data. A complaint form for parent use will be posted on the BOCES website. This plain language summary will be available to parents/legal guardians annually by inclusion in the Code of Conduct and posted on the BOCES website under the Community tab.