

COMMUNITY RELATIONS

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

**TABLE OF CONTENTS**

|                                                                                       | <b><u>PAGE</u></b> |
|---------------------------------------------------------------------------------------|--------------------|
| I. Statement of Policy                                                                | 2                  |
| II. Scope of Policy                                                                   | 2                  |
| III. Definitions                                                                      | 3                  |
| IV. Roles of Teachers, Administrators, Other School Personnel,<br>the Board & Parents | 6                  |
| V. Prohibited Conduct and Consequences                                                | 12                 |
| VI. Student Rights and Responsibilities                                               | 18                 |
| VII. Age Appropriate Restatement of Policy                                            | 23                 |
| VIII. Consequences of Student Misconduct                                              | 23                 |
| IX. Procedures for Reporting and Evaluating Misconduct and<br>Assessing Consequences  | 26                 |
| X. Students with Disabilities                                                         | 34                 |
| XI. Conduct by School Employees                                                       | 37                 |
| XII. Collaboration with Community Resources and Law Enforcement                       | 38                 |
| XIII. Review and Modification of the Code of Conduct                                  | 40                 |
| XIV. Notice of Code of Conduct Provided to Interested Parties                         | 41                 |
| XV. Dignity for All Students Act                                                      | 42                 |

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

**I. Statement of Policy**

It is the intent of the Hamilton-Fulton-Montgomery Board of Cooperative Educational Services to provide each student with the opportunity to achieve his or her own personal best and, through the development of self-discipline, to assist in the formation of character so each may become a full and valuable member of society. It is the responsibility of the BOCES to provide a safe and secure environment for its students, for its staff, and for all other members of the public who have a reason to visit our campus or attend our activities.

To achieve these goals, BOCES establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct has been developed consistent with Article 2-A of the Education Law, the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioners Regulations and in collaboration with student, teacher, administrators and parent organizations, school safety personnel and other school personnel.

Hamilton-Fulton-Montgomery Board of Cooperative Educational Services provides educational services in conjunction with local school districts. As such, a Board of Cooperative Educational Services program provides support to local schools to assist children in becoming better able to function within a school system. The Board of Cooperative Educational Services also provides alternatives to traditional educational programs, as well as career education preparatory programs.

In providing these services, the Board of Cooperative Educational Services is an organization, which meets the needs of specific populations. The discipline code reflects the unique needs of these students. It stresses an approach to discipline which emphasizes home school/Board of Cooperative Educational Services cooperation and mutual support.

**II. Scope of Policy**

**A. Persons to Whom This Code Applies**

This Code governs the conduct of everyone – student or adult – who is present at a school sponsored event or on school property.

**B. Places to Which This Code Applies**

This Code governs conduct on all BOCES property and applies at all school functions.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

**III. Definitions**

- A. Weapons Possession Only: Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school:
- B. Weapons:
1. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, BB gun, or paint ball gun;
  2. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
  3. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
  4. a sandbag or sandclub;
  5. a sling shot, or slungshot;
  6. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, ninchuck or shiriken;
  7. an explosive, including but not limited to, a firecracker or other fireworks;
  8. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
  9. an imitation weapon means any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, air rifle, pellet gun or "B-B" gun, as defined in General Business Law §871;
  10. loaded or blank cartridges or other ammunition;
  11. any deadly or dangerous instrument.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- C. “School Property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or on a school bus, as defined in Vehicle and Traffic Law § 142 and Education Law §11(1).
- D. “School function” means any school-sponsored extra-curricular event or activity on or off school property as defined in Education Law §11(2). For the purposes of this policy, a “school function” is defined as any event, occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips.
- E. “Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held as defined in Education Law §11(4) and Executive Law §292(21).
- F. “Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression.
- G. “Harassment or bullying” means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in Education Law section 11(8), that either:
1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or with the student’s 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
  2. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

This Code applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

- H. "Parent" means parent, guardian or person in parental relation to a student.
- I. "Sexual orientation" means a person's actual or perceived heterosexuality, homosexuality, or bisexuality
- J. For purposes of this policy, "hazing" is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term "hazing" includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.
- K. "Cyberbullying" means harassment or bullying that occurs through any form of electronic communication.
- L. "Gender Expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
- M. "Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- N. "Race" includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.
- O. "Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.
- P. "Hostile Environment" in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
- Q. "Emotional Harm" in the context of harassment and bullying refers to harm to a student's emotional well-being through the creation of a hostile school environment

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

- R. "Material Incident of Harassment, Bullying and/or Discrimination" means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of "harassment" and/or "bullying", and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.
- S. "School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11(1) and Vehicle and Traffic Law §142).
- T. "Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the education process or substantially interferes with the teacher's authority over the classroom.

**IV. The Role of Teachers, Administrators, Other School Personnel, the Board and Parents**

- A. Role of Teachers and Instructional Staff
  - 1. Teachers and instructional staff are expected to:
    - a. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' self-concept and promote confidence to learn.
    - b. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- c. Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
- d. Explain school rules and regulations regarding student behavior to students and others and require observance of them.
- e. Comply with this Code of Conduct
- f. Be fair, firm and consistent in enforcing school rules in buildings, school buses, on the school campus and at school functions.
- g. Give positive reinforcement for acceptable behavior.
- h. Demonstrate, by word and personal example, respect for law and order and self-discipline.
- i. Refer to a counselor or administrator any student whose behavior requires special attention.
- j. Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
- k. Report orally to their principal, the District Superintendent, or designee any incident of harassment, bullying, and/or discrimination that they witness or that is reported to them, not more than one (1) day later; and file a written report not later than two (2) school days after the initial oral report.
- l. Confront issues of discrimination, bullying, and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- m. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

B. Role of Administrators and Supervisory Personnel

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

1. As the educational leaders of the school district, administrators and supervisory personnel set the disciplinary climate. They are expected to:
  - a. Communicate to staff, students, and visitors consistent expectations for conduct meeting the standards set by this Code.
  - b. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity, or sex, with the intent of strengthening students' confidence and promote learning.
  - c. Help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
  - d. Receive teacher or counselor referrals of students with behavior problems; confer with these students and otherwise conduct appropriate fact-finding; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
  - e. Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify behavior problems and seek solutions.
  - f. Provide the opportunity for students and staff to approach the administrator directly for redress of grievances.
  - g. Be fair, firm and consistent in all disciplinary decisions affecting students, parents and staff.
  - h. Maintain open lines of communication between the school and the home.
  - i. Assume responsibility for the dissemination and enforcement of the District's discipline policy and ensure that all cases are resolved promptly.
  - j. Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- k. Facilitate the acquisition by staff members of knowledge and skills that support their implementation of this Code.
  - l. Report to the District Superintendent, or designee any incident of harassment, bullying, and/or discrimination that they witness or that is reported to them, not more than one day later.
  - M. Promptly lead or supervise and complete a thorough investigation of all written reports of discrimination, bullying, and/or harassment that are submitted to the Principal's or their designee's attention. Such investigation may be performed in collaboration with the Dignity Act Coordinator (DAC).
  - n. When an investigation verifies a material incident of harassment, bullying and/or discrimination, the principal and/or their designee shall take prompt action, consistent with the District's/BOCES' code of conduct, including but not limited to the provisions of 100.2(l)(2)(ii)(h), reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment and create a more positive school culture and climate.
  - o. Ensure the safety of the student or students against whom harassment, bullying or discrimination was directed.
  - p. Shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
2. In addition to the above, the District Superintendent shall ensure compliance with all investigative, reporting, corrective action, and law enforcement notification requirements under the Dignity for All Students Act.

C. Role of Parents

- 1. All parents are expected to:
  - a. Send their child to school as required by the New York State Education Law.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- b. Insist on prompt and regular attendance.
- c. Make certain that lawful absences are properly documented with a written explanation.
- d. Provide for their child's health, personal cleanliness and suitable grooming and dress.
- e. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
- f. Teach their child respect for law, for the authority of the school and for the rights and property of others.
- g. Know, understand and support the rules their child is expected to observe at school, including the rules regarding proper dress, the prohibition on use of tobacco, weapons, and alcohol, and respect for others.
- h. To be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's action.
- i. Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments.
- j. Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities and by attending parent-teacher conferences and school functions.
- k. Teach their children respect and dignity for themselves and for other students, regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender or gender identity or sex, which will strengthen their child's confidence and help promote learning in accordance with the Dignity for All Students Act.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

D. Role of Board of Education

1. It shall be the responsibility of the Board to:
  - a. Adopt and support a clearly defined code of conduct.
  - b. Provide conditions within the school community that are conducive to a positive learning environment.
  - c. Provide a fair hearing to any appeal from an administrative disciplinary decision.
  - d. Appoint a Dignity Act Coordinator (DAC) in each school building who has the appropriate licensure and/or certification by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of schools. The Dignity Act Coordinator will be thoroughly trained to handle human relations in areas of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. The Dignity Act Coordinator must be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
  - e. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.
  - f. Submit an annual report of material incidents of harassment, bullying and/or discrimination that occurred in such school year to the Commissioner in accordance with Education Law § 15.

E. Role of School Counselors

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

1. All BOCES counselors are expected to:
  - a. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and gender identity or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
  - b. Report orally any incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator, District Superintendent and/or their designee, which may be the Dignity Act Coordinator within one (1) school day and shall file a written report of such incident with the designated official to receive these reports within two (2) school days after making an oral report.

**V. Prohibited Conduct and Consequences**

Students, employees, parents, visitors, and all other persons on BOCES property or attending a BOCES function are expected to conduct themselves in a respectful, lawful, and safe manner. The following conduct is prohibited on BOCES property and at BOCES-sponsored activities.

**A. Conduct That Threatens the Safety of Students, Staff, or Visitors**

The following conduct threatens the health, safety, or welfare of members of the school community and is prohibited:

1. Willfully causing physical injury to another person or engaging in any physical altercation or fight.
2. Verbal or physical intimidation, including threats of physical injury.
3. Possessing, displaying, or using any weapon or dangerous instrument without authorization.
4. Possessing, using, selling, purchasing, distributing, or being under the influence of alcohol or prohibited drugs or controlled substances.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

5. Possessing or using drug paraphernalia.
6. Using tobacco products, electronic cigarettes, vaping devices, or similar products where prohibited.
7. Urging or assisting another person to commit any prohibited act involving violence, weapons, or prohibited substances.

B. Conduct That Disrupts the Educational Environment

The following conduct interferes with the orderly operation of BOCES programs:

1. Deliberately disrupting classes, meetings, or other school activities.
2. Obstructing the free movement of persons or vehicles.
3. Distracting the driver or otherwise engaging in unsafe conduct while riding school transportation.
4. Excessive noise, disorderly conduct, profanity, or other conduct that substantially interferes with teaching, learning, or school operations.
5. Failing to comply with lawful directions of BOCES personnel.

C. Harassment, Bullying, Hazing and Discrimination

BOCES prohibits all forms of harassment, bullying, cyberbullying, hazing, intimidation, and discrimination.

Prohibited conduct includes:

1. Harassment or bullying as defined in Section III.
2. Cyberbullying.
3. Hazing.
4. Discrimination based upon actual or perceived:
  - a. Race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sex,

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

sexual orientation, gender, gender identity, gender expression or any other protected characteristic.

5. Communicating messages, symbols, gestures, or displaying clothing or materials that are obscene, threatening, discriminatory, or promote violence or prohibited conduct.

D. Property and Technology Misconduct

The following conduct involving BOCES property is prohibited:

1. Damaging, destroying, defacing, stealing, or misusing property.
2. Unauthorized use or removal of property.
3. Misuse of District technology or computer systems in violation of Board policy.

E. Visitor and Building Security

To maintain the safety of students and staff:

1. Entering restricted areas without authorization.
2. Entering classrooms or instructional areas without appropriate authorization.
3. Remaining on school property after being directed to leave.
4. Trespassing or other unauthorized presence on BOCES property.

F. Other Unlawful or Prohibited Conduct

The following conduct is also prohibited:

1. Gambling.
2. Any conduct prohibited by federal, state, or local law.
3. Any violation of this Code of Conduct or Board policy.
4. Urging or aiding another person to violate this Code,

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

5. All behavior that is prohibited on the school grounds and during school activities is prohibited on the school bus. Conduct that distracts the driver or interferes with safe transportation is prohibited.

The examples of prohibited conduct set forth below are intended to provide guidance and are not intended to be an exhaustive list of all conduct that may warrant disciplinary action. Similar conduct, attempts to engage in prohibited conduct, or aiding another person in prohibited conduct may also result in disciplinary action consistent with this Code.

A. The following conduct is prohibited on BOCES property and at BOCES events:

1. Willfully causing physical injury to any other person, or engaging in any physical altercation or fight, whether or not anyone is injured.
2. Verbal or physical intimidation, including threatening to cause physical injury to any other person; acts that constitute harassment, bullying and/or cyber bullying as defined in Section III of the Code of Conduct, labeled “Definitions”.
3. Willfully damaging, defacing, or destroying property that doesn’t belong to the person causing the damage, or removing or using such property without authorization; this includes the posting of notices, placards, and the like on surfaces where all such postings are prohibited.
4. Entering into any private office of an administrator or staff member without permission.
5. No one other than a student or employee may enter a classroom or the building beyond the administrative office without written permission of the District Superintendent or his/her designee. Parents of students (who are not prohibited by being in their child’s classroom by court order) need not obtain written permission from the District Superintendent or designee.
6. Misuse of the BOCES computer network, which includes any conduct that does not comply with the BOCES Acceptable Use Policy.
7. Gambling.
8. Use of any tobacco product; and, with respect to students or other minors, the possession or sale, or attempted possession or sale, of any tobacco product including but not limited to vapes.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

9. Obstructing the free movement of persons and vehicles in any place to which these rules apply.
10. Deliberately disrupting or preventing the peaceful and orderly conduct of classes, lectures and meetings.
11. Having possession of any knife, razor, ice pick, explosives, loaded cane, sword, machete, shotgun, pistol, revolver, pellet gun or other firearm or weapon without the written authorization of the District Superintendent, whether or not a license to possess the weapon has been issued.
12. The use, possession, sale, gift or purchase, or the attempt to sell, use, possess, buy or procure alcohol and, with respect to students and other minors, being under the influence of alcohol.
13. The use, possession, sale, gift, or purchase, or the attempted use, possession, sale, gift, or purchase of:
  - a. marijuana or any substance listed by the federal government as a controlled substance;
  - b. synthetic marijuana, or cannabinoids, including, but not limited to, items labeled as incense, herbal mixtures, vapes/vape cartridges, or potpourri;
  - c. any prescription medication other than in compliance with a valid prescription;
  - d. any non-prescription (over-the-counter) medication other than in accordance with the manufacturer's directions for use;
  - e. any substance that the possessor or one of the persons involved in a transaction believes to be a substance described in this subsection; or
  - f. any pipes, bongs, clips, or other paraphernalia associated with the use of any of the substances described in this subsection.
14. Discrimination, which includes the use of a persons actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, national

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

origin, weight, ethnic group, religion, religious practice, gender, and gender identity, sex, sexual orientation or disability as a basis for treating another in a negative manner.

15. Communicating messages through words or symbols (including those printed on items of clothing) that (i) are profane, lewd, sexually explicit, vulgar or abusive; (ii) which may incite or offend another person on the basis of race, color, creed, religion, national origin, weight, ethnic group, gender, gender identity, physical or mental ability, or affiliation with any school or non-school group, gang, or organization; (iii) advocates or encourages the use of alcohol, tobacco, or other prohibited substances; (iv) advocates, encourages, or celebrates the use of weapons or violence; (v.) constitute a health or safety hazard or (vi.) creates, or reasonably might create, a substantial disruption or material interference with the mission, work or discipline of the school community.
16. Urging or aiding others in the commission of any of the acts prohibited.
17. Otherwise violating any law, school rule, or Board policy.

B. Consequences of Engaging in Prohibited Conduct

1. In the case of a violation of this code of conduct:
  - a. Any visitor, who is defined as not a regular staff member or student of the school, authorized to be on school premises or at a school function (other than students or staff) who is substantially disruptive or violates the rules of this code will be directed to leave the premises or function. In the event of his/her failure or refusal to do so, the District Superintendent or designee shall cause his/her ejection from such property.
  - b. In the case of any unauthorized individual (other than students or staff) who is on school property or at a school function, the District Superintendent or designee shall inform the individual that he/she is not authorized to remain and direct him/her to leave such premises. In the event of his/her failure to do so, the District Superintendent or designee shall cause his/her ejection from such property. Nothing in this section should be construed as authorizing the presence of any such person at any time, nor affect his/her liability for prosecution for trespassing, loitering, etc., as prescribed in the Penal Law.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in the applicable sections of this code of conduct or Section 3214 of the Education Law.
- d. In the case of any employee who is charged with misconduct and/or violation of these rules such discipline shall be administered in accordance with applicable law, contract, or Board of Education policy.

**VI. Student Rights and Responsibilities**

A. Rights of Students

- 1. Expect a school environment conducive to learning;
- 2. Be treated respectfully by those in the school community;
- 3. Receive notice of the expectations for their behavior, and, when circumstances permit, an opportunity to explain their conduct;
- 4. Access to educational and extracurricular activities on an equal basis, without regard to race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, creed, religion, national origin, gender, gender expression gender orientation, or physical or mental ability; and
- 5. Learn in an environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- 6. Participate equally in all school activities regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex;
- 7. Have complaints about school-related incidents investigated and responded to;
- 8. Any other rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

9. To be protected from intimidation, harassment, bullying (including cyberbullying), or discrimination based on actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color creed, national origin, ethnic group, religion, religious practice, sex, gender, including gender identity), sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity on or off school property.

B. Responsibilities of Students

1. Comply with the standards of conduct listed in this Code.
2. Be aware of and obey all laws, school rules and regulations.
3. Accept responsibility for their own actions.
4. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
5. Attend school regularly and punctually.
6. Maintain habits of personal cleanliness.
7. Respect school property and the property of others.
8. Strive for mutually respectful relationships with teachers and administrators, recognizing their role as surrogate parent in matters of behavior and discipline.
9. Report threats of violence, observed or overheard, made towards staff and students. Reports may be made anonymously and confidentiality will be respected to the extent possible.
10. Be honest in all situations.
11. Act and speak respectfully about issues/concerns.
12. Use non-sexist, non-racist and other non-biased language.
13. Respect and treat others with tolerance and dignity regardless of actual or perceived race (including traits historically associated with race, such as

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

hair texture and protective hairstyles like braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and gender identity or sex in accordance with the code and provisions of the Dignity for All Students Act, including the responsibility to conduct themselves in a manner that fosters an environment free from intimidation, harassment or discrimination. Student will report conduct that threatens the safety or well-being of others.

14. Use communication that is non-confrontational and is not obscene or defamatory.
15. Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others.

C. Additional Standards for Student Conduct

1. Acceptable and appropriate conduct by students shall be consistent with the standards of conduct and student responsibilities outlined in this code of conduct.
2. In addition, the following conduct is not acceptable if engaged in by students:
  - a. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
  - b. Disrespect toward an administrator, faculty or other staff member, student or visitor.
  - c. Failure to attend BOCES programs as scheduled, without a valid excuse, including failure to remain for the full scheduled school day.
  - d. Any willful act which disrupts the normal operation of the school community, including failure to comply with the directions of a teacher, administrator, or other staff member or volunteer.
  - e. Unacceptable behavior on buses being operated by or on behalf of BOCES, including not staying seated, throwing objects, excessive loudness or other activities that distract the driver of the bus.
  - f. Public displays of affection.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- g. Possession of any medication, prescription or non-prescription, on BOCES property or while attending a BOCES event.

D. Appropriate Dress

1. Students are not permitted to wear articles of clothing, accessories, or jewelry that do not comply with the Standards of Conduct set forth in this Code (including, but not limited to Section IV).
2. Extremely brief or revealing clothing is not appropriate for school. Underwear and undergarments should be covered by outer clothing. Hats and other headgear are not permitted to be worn, without instructor permission, during the instructional day, except for medical, religious, or other approved purposes.
3. Students are not permitted to wear articles of clothing, accessories, or jewelry that constitute a health or safety hazard, including items that are, or reasonably may be perceived as being, associated with gang or other unlawful behavior.
4. Students are not permitted to wear articles of clothing, accessories, or jewelry that are vulgar, obscene, and libelous, denigrate or provocative of others on account of actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), weight, color, religion or religious practice creed, national origin, gender and gender identity, sexual orientation, sex or disability.
5. Students are not permitted to wear articles of clothing, accessories, or jewelry that promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
6. Dress should be occupationally appropriate based on the needs of each work-based learning environment and CTE class. Students may be required to wear appropriate protective gear in applicable classes.

Nothing in this policy will be construed to limit the ability of students to express their gender identity through clothing, jewelry, makeup, or nail color or styles, or to discipline students for doing so. Likewise, nothing in this policy will be construed to restrict students from wearing hairstyles as a trait historically associated with race (such as hair texture and protective hairstyles like braids, locks, and twists) or to discipline them for doing so.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

Each principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out-of-school suspension.

E. Recognition of Positive Student Behavior

Each BOCES Division shall identify and implement methods of recognizing and reinforcing positive student behavior, in ways appropriate to the student population served by each Division. This effort may include honor rolls and the providing of special privileges to students whose conduct is commendable. The Board encourages the public recognition of student achievement through newsletters, communication tools and website.

F. In addition to the preceding standards of conduct, BOCES prohibits discrimination and harassment against any student by employees or students that creates a hostile environment by conduct (with or without physical conduct) or verbal statements, intimidation, or abuse. We consider a hostile environment to be created when actions or statements directed at a student either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or with the student's mental, emotional, or physical well-being including conduct that reasonably causes or would reasonably be expected to cause emotional harm, or (2) 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.

This prohibition applies to all acts of harassment or bullying that occur on school property or at a school function, as well as to acts occurring off school property when (i) those acts create or would foreseeably create a risk of substantial disruption within the school environment, and (ii) it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

The prohibition of discrimination includes, but is not limited to, threats, intimidation, or abuse based on the student's actual or perceived race, color, weight,

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**VII. Age Appropriate Restatement Of Policy**

You should never feel that it is not safe for you to come to school and participate in all school activities. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race, color, weight, national origin (where your family comes from), ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, or any other reason.

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work, because of what you think about their race (including traits historically associated with race, such as hair texture and protected hairstyles like braids, lock, and twists), color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender or gender identity, or sex, or any other reason. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages. This kind of conduct is prohibited on school property, school buses, and at all school functions.

Every student has the right to attend school in an environment that is safe, welcoming, and free from bullying, harassment, discrimination, and intimidation. Students are expected to treat one another with dignity and respect and to report unsafe conduct to a trusted adult.

**VIII. Consequences of Student Misconduct**

**A. Minimum Suspensions for Certain Misconduct**

**1. Possession of a Firearm**

- a. A student who possesses a firearm on BOCES property or at a BOCES event shall be suspended out-of-school for a minimum of 12 months, provided that the District Superintendent may modify this period of suspension on a case-by-case basis.
- b. An object is considered a “firearm” for purposes of this section of the Code if it will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. The term “destructive device” means any

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge or more than one-quarter ounce, mine or any device similar to any of those devices already described in this paragraph. Except that “destructive device” shall not mean any device not designed or redesigned for use as a weapon.

c. The District Superintendent shall refer a pupil who has been determined to have possessed a firearm on BOCES property or at a BOCES event as follows:

1. If the pupil is under 16 years of age, to a presentment agency for a juvenile delinquency proceeding, except a pupil 14 or 15 years of age who qualifies for juvenile offender status in accordance with the Family Court Act, Article 3.
2. If the pupil is 16 years of age or older, or 14 or 15 years of age who qualifies for juvenile offender status, to the appropriate law enforcement agency.

3. Violent Students

a. For purposes of this Code, a student is considered a violent student if he or she:

1. commits an act of violence upon a teacher, administrator or other school employee;
2. commits, while on BOCES property, an act of violence upon another student or any other person lawfully upon said property;
3. possesses, and displays while on BOCES property, a knife, razor, ice pick, explosives, loaded cane, sword, machete, shotgun, pistol, revolver, pellet gun or other firearm or weapon or other dangerous instrument capable of causing physical injury or death;
4. threatens, while on BOCES property, to use any instrument that appears able to cause physical injury or death;

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

5. knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
    6. knowingly and intentionally damages or destroys school district property.
  - b. Teachers shall immediately report and refer a violent pupil to the building administrator, Program Director, or District Superintendent.
  - c. A violent student shall be subject to a minimum out-of-school suspension of at least three (3) days, provided that the Program Director may reduce the period of suspension on a case-by-case basis.
3. Students Who Are Repeatedly Substantially Disruptive
  - a. A student who is removed from the classroom by a teacher more than four (4) times in a semester (see Section VI. B., below) will be considered to be repeatedly substantially disruptive of the educational process.
  - b. A student who is repeatedly substantially disruptive, or who substantially interferes with a teacher's authority over the classroom, will be suspended out-of-school for a minimum period of one (1) school day, provided that the Program Director may reduce the period of suspension on a case-by-case basis.
4. Responses to acts of harassment, bullying, and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as intervention and discipline. We will consider the nature and severity of the conduct, the developmental age of the student engaging in the conduct, the actor's prior disciplinary record, and the impact of the conduct on the student at whom it was directed.

B. Progressive Consequences

Consequences shall be progressive whenever appropriate, taking into account the student's age, disciplinary history, the severity of the misconduct, and any

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

disability-related considerations. In determining an appropriate consequence, the District Superintendent, Principal, or designee may consider all relevant circumstances, including the student's age, disciplinary history, disability status, the severity of the misconduct, and, where appropriate, the nature and purpose of the student's educational program, including whether the program is specifically designed to provide behavioral, social-emotional, or therapeutic interventions.

**IX. Procedures for Reporting and Evaluating Misconduct, and Assessing Consequences**

**A. Communications with Home and District of Enrollment**

1. Parents and persons in parental relation shall be kept informed of all behavior issues.

**B. Responses to Instances of Inappropriate Conduct**

1. Pupil service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the code of conduct to the building administrator.
2. Any weapon, alcohol, tobacco, illegal substance, unauthorized medication, inappropriate written material or images, any property in a student's possession that is being used in a manner disruptive to the school environment, or that creates a safety hazard, or other unauthorized property shall be confiscated and held in a secure location. The student's parent or person in parental relation shall be notified.
3. Physical evidence of misconduct will be gathered in accordance with the Security Searches (Students) Policy. The Board of Education authorizes administrators to undertake searches of students and their possessions (e.g. pocket contents, book bags, handbags, etc.) when there is reasonable individualized suspicion that a student has violated or is violating the law, BOCES policy or regulation or school rules. BOCES also retains the authority to examine the contents of all school property, such as student lockers, staff work areas, and both physical and digital files.

**C. Removal from the Classroom by a Teacher**

1. Teachers are authorized by the Education Law and this Policy to remove a student from the teacher's classroom if the student is substantially

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

disruptive of the educational process, or if the student substantially interferes with the teacher's authority over the classroom.

2. A disruptive pupil may be removed from a teacher's classroom by a teacher at the Preschool-6 level for no more than the period of time devoted to instruction in a specific subject area. At the middle school and high school level a disruptive pupil may be removed from a teacher's classroom by a teacher for no more than one instructional period of that class for each disruptive incident. (A period of instruction will be determined by program design.) In the Career and Technical program a disruptive pupil may be removed from a teacher's classroom by a teacher for no more than one session. If the period or session is less than 25% completed when the student gets removed, then that period or session counts as one instructional period of removal.
3. Behaviors which do not rise to the level defined as disruptive shall be subject to traditional practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term rest period in an elementary classroom or in administrator's office; (2) sending a student to the principal's office for the remainder of the class time only; (3) sending a student to a guidance counselor or other district staff member for counseling; or (4) assignment to time out. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.
4. If the pupil's behavior does not present a continuing danger or an ongoing threat of disruption to the academic process, the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present his/her version of the events. If the pupil's behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately dismiss the pupil from the classroom; and explain the basis of the removal and allow the student to present his/her version of the events within twenty-four (24) hours of the removal.
5. A teacher initiating removal of a student from the classroom pursuant to the provisions of this code of conduct shall inform the building administrator of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal. This referral will include a written educational plan for the duration of the removal period.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

6. Within 24 hours of the removal, the building administrator or his/her designee (another administrator) must inform the parent of the reasons for the removal from class. On request, the student/parent must be given an opportunity to discuss reasons with building administrator or his/her designee. The teacher shall be involved in the conference, unless the building administrator decides based upon extenuating circumstances that it is not beneficial to have the teacher involved in such conference.
7. If the student denies the charges, the student/parent must be given explanation of basis for removal and an opportunity to represent his/her version. This must take place within 48 hours of the removal.
8. The building administrator or his/her designee must decide, by the close of business on the day following the parent's opportunity to be heard, whether the discipline will be set aside. The administrator or his/her designee may only set aside discipline if:
  - a. The charges against the student are not supported by substantial evidence,
  - b. The student's removal is in violation of law, or
  - c. The conduct warrants an out-of-school suspension and a suspension will be imposed.

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

Each teacher must keep a complete log (on a district/BOCES provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

9. The District shall provide continued educational programming to students who are removed from class by a teacher.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

D. Suspension from School

1. A building administrator may recommend to the Program Director that a student be suspended out of school.
2. Where a suspension out of school for a period of five (5) days or less is deemed appropriate:
  - a. The building administrator must immediately notify the student verbally. If the student denies the misconduct, the building administrator must provide an explanation of the basis for the proposed suspension.
  - b. Written notification by the District Superintendent or designee shall be sent to the student's parents that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents/guardians. Where possible, notice should also be provided by telephone by the building administrator if the school has been provided with a telephone number(s) for the purpose of contacting the parents/guardians. 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 of the right to request an immediate informal conference with the building administrator.
  - c. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.
  - d. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the building administrator may establish.
  - e. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- f. After the conference, the building administrator shall confer with the Program Director and then shall promptly advise the parents in writing of his or her decision. The notice shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the District Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.
  - g. The District Superintendent shall issue a written decision regarding the appeal within ten business days of receiving the appeal. If the parents are not satisfied with the District Superintendent's decision, they must file a written appeal to the board of education with the district clerk within ten business days of the date of the District Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within thirty days of the decision.
- 3. When a suspension out of school for more than five (5) days is considered appropriate:
  - a. The District Superintendent, or School Superintendent, shall give reasonable notice to the student and the student's parents of their right to a fair hearing.
  - b. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.
  - c. The District Superintendent, or School Superintendent, may serve as hearing officer, or may, at his or her discretion, designate a hearing officer to conduct the hearing.
  - d. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the District Superintendent, or School Superintendent. The report of

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

the hearing officer shall be advisory only, and the District Superintendent may accept or reject all or any part thereof.

- e. An appeal of the decision of the District Superintendent, or School Superintendent, may be made to the Board. All appeals to the Board must be in writing and submitted to the clerk within ten (10) business days of the date of the District Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the District Superintendent. Final decisions of the Board may be appealed to the Commissioner within thirty (30) days of the decision.

E. Responding to Reports of Possible Harassment or Discrimination

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, BOCES provides a procedure for responding to reports of possible discrimination or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in Policy 0010, Equal Opportunity and Nondiscrimination.
2. BOCES has also designated a Dignity Act Coordinator for each school. Names of coordinators are posted at the point of entry in each school.

The Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race (including traits historically associated with race, such as hair texture and protected hairstyles like braids, lock, and twists), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or gender identity, and sex. They are available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experiences treatment that may be prohibited discrimination or harassment.

F. No Retaliation for Reporting

No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of this Code.

Any person who has reasonable cause to suspect that a student has been subjected

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

to discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

G. Reporting Requirements

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

Staff who receive oral or written reports of harassment, bullying, and/or discrimination or witness such acts shall report the incident orally within one (1) school day to the Principal, the Principal's designee, the District Superintendent or the Dignity Act Coordinator. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days following receipt. The Building Administrator, Superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written report made.

The BOCES recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

The investigator shall report back to both the target and the accused, within ten school days, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The target will be advised to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or district designee believes that a reported incident may constitute criminal action, the BOCES shall notify the proper law enforcement agency promptly and shall notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

1. discussion with the accused, informing him or her of the District's/BOCES' policies and indicating that the behavior must stop;
2. suggesting counseling, skill building activities and/or sensitivity training;
3. conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
4. requesting a letter of apology to the target;
5. writing letters of caution or reprimand; and/or
6. separating the parties;
7. establishing a "stay away" agreement
8. Parent conferences

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

9. Law enforcement (e.g. School Resource Officer)
10. Corrective instruction or other relevant learning or service experience
11. Behavioral assessment and/or evaluation
12. Behavioral management plan
13. Student counseling

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

**X. Students with Disabilities**

- A. The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the Individuals with Disabilities Education Act (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.

1. A student with a disability may not be removed pursuant to Section 201.7 of the Regulations of the Commissioner of Education if the imposition of the 5 school day or 10 school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2 (3)(ii) except where the CSE has determined in accordance with section 201.4 that the behavior was not a manifestation of such students' disability, or the student is placed in an IAES as authorized under Commissioner's Regulations.

"Disciplinary change in placement" means a suspension or removal from a student's current educational placement that is either:

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- a. for more than ten (10) consecutive school days; or
  - b. for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- B. Accordingly, it shall be the Board's policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform to the procedural safeguards required by applicable laws and regulations.
- C. This policy incorporates by reference the Procedural Safeguards for Students with Disabilities Subject to Discipline set forth in Part 201 of the Regulations of the Commissioner of Education, which implement the procedural protections provided under New York's Education Law and which coordinate the state's general procedures or suspension of students with disabilities with the requirements of IDEA and its implementing regulations.
  - 1. The procedures relating to the discipline of students with disabilities require BOCES personnel who recommend the suspension or removal of students to work closely with Committees on Special Education, to establish clear guidelines for communication and decision making on disciplinary matters. The following provides a framework for the actions that schools must take when determining that a student with a disability will be suspended or removed for behaviors that violate the school code of conduct.

In order to initiate the removal of a student with a disability from the classroom, the teacher must first determine if the suspension will result in removing a student for more than ten (10) school days in a school year or impose a suspension or removal that constitutes a disciplinary change or placement.

- a. If no, the following procedure(s) must be followed in conjunction with the teacher's supervisor or director:

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

1. Suspensions shall be administered in accordance with Section 3214 of Education Law and application to Part 201 of the Regulations of the Commissioner of Education.
2. Referral to the CSE may be made for either/or:
  - a. Addition and/or modification of the IEP for supplementary aids and services
  - b. Review or modification of an existing behavior intervention plan
  - c. Functional behavioral assessment
  - d. Change in placement
- b. If yes, the following procedure must be followed in conjunction with the teacher's supervisor or director:
3. A referral to the CSE for a Manifestation Hearing
  - a. If the behavior is related to the student's disability, unless the parent/guardian and district otherwise reach an agreement, immediately return the student to his or her current educational placement
  - b. If the behavior is not related to the student's disability, the student may be suspended or removed for the behavior.
- D. Moreover, consistent with the IDEA and New York Education Law, pupil service personnel, teachers and/or administrators who identify a student with a disability whose behavior is repeatedly interfering with his/her own or other's learning shall refer such individual to the CSE for a functional behavioral assessment and behavior intervention plan or, if one exists, for review of same.
- D. Consistent with the IDEA and its implementing regulations, when a student with a disability engages in conduct that may be a crime, the Program Director may report that conduct to the appropriate law enforcement agency, and that report shall not be deemed a change in placement.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

**XI. Conduct by School Employees**

- A. Acceptable conduct by school employees shall be consistent with the role of teachers and staff outlined in Section III of this code of conduct and the standards of conduct set forth in Section IV of this code of conduct.
- B. Prohibition of Corporal Punishment
  - 1. The District recognizes the responsibility of all school personnel, including administrators, faculty and other employees, to see that proper standards of school behavior are maintained. All school personnel are expected to help in maintaining proper levels of supervision.
  - 2. No teacher, administrator, officer, employee or agent of the District shall use corporal punishment against a pupil.
  - 3. As used in this section, corporal punishment means any act of physical force upon a pupil for the purpose of punishing that pupil, except as otherwise provided in subdivision 4 of this section.
  - 4. In situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed, nothing contained in this section shall be construed to prohibit the use of reasonable physical force for the following purposes:
    - a. To protect oneself from physical injury;
    - b. To protect another pupil or teacher or any other person from physical injury;
    - c. To protect the property of the school or others; or
    - d. To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of School District functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.
  - 5. The District Superintendent is hereby directed to develop and implement a reporting procedure which will enable the BOCES to summarize complaints relative to the alleged administration of corporal punishment. Such summaries will include references to the substance of each/all complaints, the result(s) of the investigation of each/all complaints, and whatever

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

action(s), if any, was/were taken by the administration of the BOCES. The summary of each/all complaints shall be available for submission to the Commissioner of Education in accordance with Commissioner's Regulations (semi-annually, by January 15<sup>th</sup> and July 15<sup>th</sup> of each year.)

C. Acceptable Attire

1. Appropriate professional attire is expected to be worn by all staff members. Clothing shall be neat and clean, and be in compliance with this Code of Conduct, including Section IV.
2. Staff dress standards set an example for students. Clothing that is not appropriate for students is not appropriate for staff. Conversely, clothing styles that are tolerated when worn by students may not be appropriate for staff.

D. Communication with Parents, Students, Other School Employees, Administrators or other Persons on School Property

Acceptable: Appropriate, professional communication is expected from all staff.

Unacceptable: Employees of the district shall refrain from the use of profane, lewd, vulgar or abusive language or words which may incite or offend another person.

**XII. Collaboration with Community Resources and Law Enforcement**

A. Human Services Agencies and Person In Need of Supervision (PINS) Petitions

1. When there is evidence of educational neglect or child abuse, neglect, or maltreatment, all mandated reporters shall follow the procedures established by law and BOCES Policy.
2. When a student is frequently absent from or tardy to BOCES programming without valid excuse; is habitually disobedient, ungovernable, or non-compliant with this Code of Conduct on BOCES property or at BOCES events; or is in possession of marijuana in violation of the Penal Law; then the building administrator, in consultation with the Program Director, shall initiate the pre-PINS diversion process with the appropriate county lead agency.
  - a. The student's district of enrollment shall be notified.

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

- b. BOCES staff shall cooperate with all efforts by social service providers that do not interfere with, or cause a hardship for, the BOCES educational program.
  - 3. If BOCES is notified by the responsible county lead agency that no further diversion services are warranted, the building administrator, in consultation with the Program Director, shall determine whether to initiate a PINS petition in Family Court. A PINS petition shall be reviewed by a BOCES staff School Attorney before being filed.
- B. Law Enforcement Agencies and Juvenile Delinquency Complaints
  - 1. Whether a particular act in violation of this Code is reported to a law enforcement agency shall be determined by the building administrator, in consultation with the Program Director. When BOCES utilizes a School Resource Officer (SRO) who is an employee of a law enforcement agency, the SRO shall be the initial point of reporting.
    - a. The following acts shall be reported to an appropriate law enforcement agency, unless the Program Director documents a reason satisfactory to the District Superintendent for not doing so: possession of a weapon, possession of any controlled substance (including marijuana), physical assault, and theft or destruction of property having an apparent value over \$100.
    - b. Other acts may be reported to a law enforcement agency when the building administrator, in consultation with the Program Director, determines it is appropriate.
    - c. When an act is reported to a law enforcement agency as a possible crime, it remains the responsibility of the building administrator to collect the information necessary to make a determination as to the appropriateness of disciplinary consequences under this Code.
  - 2. In general, the person against whom the criminal act was directed should be identified as the complainant where the district attorney decides to initiate a juvenile delinquency petition. The BOCES, or a BOCES employee in their official capacity, may only be identified as the complainant when the District Superintendent determines that it is appropriate to proceed in that manner.
- C. Child Protective Services Investigations

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

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

All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district/BOCES medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

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

D. Law Enforcement Notification

The Board of Education had directed that illegal activities be referred to the appropriate law enforcement agency.

**XIII. Review and Modification of Code of Conduct**

A. Annual Review

This code of conduct shall be reviewed annually and updated as necessary, taking into consideration the effectiveness of code provisions and the fairness and consistency of its administration.

B. Modifications to the Code of Conduct

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

A revision to the code of conduct will be adopted only after at least one public hearing at one or more Board meetings that provides for the participation of school personnel, parents, students and any other interested party.

**XIV. Notice of Code of Conduct Provided to Interested Parties**

- A. The Board of Education shall ensure community awareness of these provisions and of the Code of Conduct by:
1. Posting the complete Code of Conduct, respectively, on the BOCES internet website, including any annual updates or amendments thereto.
  2. Provide copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year.
  3. Provide by mail a plain language summary of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request.
  4. Provide each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment.
  5. Make complete copies of the Code of Conduct available for review by students, parents or persons in parental relation to students, other school staff, and community members.
  6. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or school employees.
  7. Provide “safe and supportive school climate concepts” in the BOCES curriculum.

BOCES shall develop and implement a program of instruction in grades Kindergarten through Grade 12 (and additional years, depending on the program)

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

that supports development of a school environment free of harassment, bullying, and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying, and /or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

B. In-Service Education:

In-service education regarding this Code of Conduct will be provided to all staff at the beginning of each school year. In-service education shall include BOCES policy for conduct on school grounds and at school functions, methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

C. The BOCES shall file a copy of its code of conduct any amendments with the Commissioner of Education no later than thirty days after their respective adoptions.

**XV. DIGNITY FOR ALL STUDENTS ACT**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The BOCES condemns and prohibits all forms of discrimination and harassment of students based on actual or perceived race (including traits historically associated with race, such as hair texture and protected hairstyles like braids, lock, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or gender identity, or sex by school employees or students on school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL  
PROPERTY AND AT SCHOOL FUNCTIONS

expected to materially and substantially disrupt the education process may be subject to discipline

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, “tolerance”, “respect for others” and “dignity” shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

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Hamilton-Fulton-Montgomery Board of Cooperative Educational Services

Adopted: 08/29/12

Revised: 9/25/26