



OCM BOCES CODE OF CONDUCT

2010-2011 SCHOOL YEAR

OCM BOCES CODE OF CONDUCT

I. DEFINITIONS

For purposes of this code, the following definitions apply.

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

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

"BOCES property" means in or within any building, structure, play area, parking lot or land contained within the real property boundary line of an OCM BOCES facility, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.5

"BOCES function" means any OCM BOCES-sponsored curricular or extracurricular event or activity.

"Violent student" means a student under the age of 21 who may be described by any of the clauses below:

1. Commits an act of violence upon a BOCES employee.
2. Commits, while on BOCES property or at a BOCES function, an act of violence upon another student or any other person lawfully on BOCES property or at a BOCES function.
3. Possess while on BOCES property or at a BOCES function, a weapon.
4. Displays, while on BOCES property or at a BOCES function, what appears to be a weapon.
5. Threatens, while on BOCES property or at a BOCES function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any BOCES employee or of any person lawfully on BOCES property or at a BOCES function.
7. Knowingly and intentionally damages or destroys BOCES property.

"Weapon" means a firearm as defined in 18 USC § 921 for purposes of the Gun Free Schools Act. It also means any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, pocket, pen or other knife, look alike fake weapon, or other device, instrument, material, or substance ("Other Item") that can cause serious physical injury or death when used to cause physical injury or death, or when such Other Item is brandished as a weapon.

II. STUDENT RIGHTS AND RESPONSIBILITIES

A. STUDENT RIGHTS

OCM BOCES is committed to safeguarding the rights given to all students under state and federal law. In the administration of this Code of Conduct, students shall be given due process, and shall have other rights, as set forth in the Education Law and other laws. Included among statutory rights are the right of the student to present his/her version of relevant events to teachers and other school personnel in connection with his/her removal from a classroom, or suspension from school, or imposition of any other sanction for which some form of due process is legally required. Students shall have the right to:

1. A safe, healthy, orderly and civil learning environment.
2. Take part in all BOCES activities on an equal basis regardless of age, race, religion, color, national origin, gender, sexual orientation, disability or other protected status.
3. Present their version of the relevant events to BOCES personnel authorized to impose a disciplinary penalty.
4. Access to BOCES rules and, when necessary, to receive an explanation of those rules from BOCES personnel.

B. STUDENT RESPONSIBILITIES

All BOCES students have the responsibility to:

1. Contribute to maintaining a safe and orderly learning environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all BOCES policies, rules and regulations dealing with student conduct.
3. Attend classes every scheduled day unless legally excused, and to be on time, and 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. React to direction given by teachers, administrators and other BOCES personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for class and BOCES functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of OCM BOCES when participating in or attending OCM BOCES-sponsored extracurricular events and to hold themselves to the highest standards of conduct.

III. RESPONSIBILITIES OF THE ESSENTIAL PARTNERS IN EDUCATION

A. PARENTS

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the educational community.
2. Send their children to educational programs ready to participate and learn.
3. Ensure their children attend class regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know OCM BOCES rules and help their children understand them.
8. Convey to their children a supportive attitude toward education and OCM BOCES.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials 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.

B. TEACHERS

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know BOCES policies and rules, and enforce them in a fair and consistent manner.
5. Communicate the following to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
6. Communicate regularly with students, parents, and other teachers concerning growth and achievement.

C. GUIDANCE COUNSELORS

All guidance counselors are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate teacher/student/counselor conferences and parent - teacher/student/counselor conferences, as necessary, as a way to resolve problems.
3. Regularly review with students their educational progress and career plans.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.

D. PRINCIPALS and SPECIAL EDUCATION Administrators

All Principals and Special Education Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
3. Evaluate on a regular basis all instructional programs.
4. Support the development of and student participation in appropriate extracurricular activities.
5. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

E. DISTRICT SUPERINTENDENT

The Superintendent or his/her designee(s) is/are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
2. Review with OCM BOCES administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the OCM BOCES Board about educational trends relating to student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with OCM BOCES administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

F. BOARD OF EDUCATION

The Board of Education is expected to:

Collaborate with student, teacher, and administrator organizations, BOCES safety personnel and other BOCES personnel to develop a code of conduct that clearly defines expectations for the conduct of students, BOCES personnel and visitors on BOCES property and at BOCES functions.

IV. STUDENT DRESS CODE

The intent of the Dress Code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society. All students are expected to give proper attention to personal cleanliness and to dress appropriately for BOCES programs. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other BOCES personnel should exemplify and reinforce acceptable attire, and help students develop an understanding of appropriate appearance in the educational setting.

A student's dress, grooming and appearance, including hair style/color, jewelry, makeup, and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Underwear shall be completely covered with outer clothing.
- 4.. Footwear that is a safety hazard will not be allowed.
5. Not include the wearing of hats in the classroom except for safety (hardhats), medical or religious purpose, or if part of a uniform (nursing caps), or unless specifically permitted by school officials.
6. Not include items that are vulgar, obscene, libelous, or that denigrate others on account of race, color, religion, ancestry, national origin, gender, sexual orientation, disability or other protected status.
7. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
8. Not include clothing and jewelry that presents a safety hazard.

Each program and/or building administrator shall be responsible for informing all students and their parents of the student dress code at the beginning of the academic year and any revisions to the dress code made during the academic 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.

V. PROHIBITED STUDENT CONDUCT

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

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

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

Students may be subject to disciplinary action, up to and including suspension from BOCES programs when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:
 - 1. Running in hallways.
 - 2. Making unreasonable noise.
 - 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 - 4. Obstructing vehicular or pedestrian traffic.
 - 5. Engaging in any willful act which disrupts the normal operation of the BOCES community.
 - 6. Trespassing. Students are not permitted in any BOCES building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 - 7. Computer/electronic communications misuse, including, but not limited to, any unauthorized use of computers, software, or internet account; accessing inappropriate websites; Cyberbullying, sexting, or any use of computer/electronic communications that violates the Code of Conduct; or any other violation of the BOCES Acceptable use Policy.

- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:
1. Failing to comply with the lawful directions of teachers, BOCES administrators or other school employees in charge of students or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving BOCES property without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:
1. Failing to comply with the lawful directions of teachers, BOCES administrators or other BOCES personnel in charge of students.
 2. Being late for school or class.
 3. Being unprepared for class.
- D. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, biting, spitting, and scratching) upon a teacher, administrator or other BOCES employee.
 2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on BOCES property.
 3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on BOCES property or at a BOCES function.
 4. Displaying what appears to be a weapon.
 5. Threatening to use any weapon.
 6. Intentionally damaging or destroying the personal property of a teacher, administrator, other district employee or any person lawfully on BOCES property, including graffiti or arson.
 7. Intentionally damaging or destroying school district property.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of such conduct include, but are not limited to:
1. Lying to BOCES personnel.
 2. Stealing the property of other students, BOCES personnel or any other person lawfully on school property or attending a school function.
 3. Acts of sexual harassment as defined in the OCM BOCES sexual harassment policy.
 4. Selling, using or possessing obscene material.
 5. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.

6. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, any substances commonly referred to as "designer drugs", and prescription or over-the-counter drugs when possession has not been authorized in accordance with BOCES' procedures or such are inappropriately used or shared with others. A student shall be considered "under the influence" if he or she has any quantity of alcohol or illegal substances in his or her system, has used any quantity of alcohol or illegal substances within a time frame reasonably proximate to his/her presence on school property, on school transportation, or at a school-sponsored function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of consumption.
 7. Acts of harassment based upon race, color, nationality, religion, age, sexual orientation, and disability.
- F. Engage in misconduct while on a school bus.
It is crucial for students to behave appropriately while riding on buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. Problems involving conduct on busses will be referred to the appropriate school district for discipline.
- G. Engage in Misconduct off district property.
Students, staff and visitors may be disciplined for misconduct that (1) threatens the health, safety or welfare of a student, teacher or other members of the staff within the educational system or (2) is likely to adversely effect the educational environment, or (3) constitutes sexual or another form of harassment that is likely to substantially disrupt the educational environment even though such misconduct is not committed on BOCES property or at a BOCES function.
- H. Engage in any form of academic misconduct. Examples of academic misconduct include, but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Altering a grade, or other student record, on paper or in electronic form.

VI. REPORTING VIOLATIONS OF THE CODE OF CONDUCT

Any student observing a student possessing a weapon, alcohol or illegal substance on BOCES property or at a BOCES function shall report this information immediately to a teacher, a BOCES administrator, or the Superintendent. Any weapons, alcohol or illegal substances found shall be confiscated immediately, followed by notification of the parent of the student involved and the appropriate disciplinary action taken, up to and including permanent suspension and referral for prosecution.

The Building Principal, or Special Education Administrator must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal/Administrator learns of the violation. The notification may be made by telephone. A record will be kept of such notification and its outcomes including the identity of the student(s) and the conduct.

VII. DISCIPLINARY PROCEDURES AND PENALTIES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. OCM BOCES personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

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

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

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

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to their Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. PENALTIES

Students who are found to have violated the OCM BOCES code of conduct may be subject to the following penalties, either alone or in combination with one another. The listed penalties are advisory and, as a general rule, discipline will be progressive. However, BOCES may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning - Any member of the BOCES staff
2. Written warning - teachers, principal, special education administrator

3. Written notification to parent and home district - teachers, principal, special education administrator
4. Detention - principal, special education administrator
5. Suspension from transportation - home school district
6. Suspension from social or extracurricular activities - principal, special education administrator, home district
7. Suspension of other privileges - principal, special education administrator
8. In-school suspension - principal, special education administrator
9. Removal from classroom by teacher - teachers, principal, special education administrator
10. Short-term (five days or less) suspension from school- principal, special education administrator, with home district.
11. Long-term (more than five days) suspension from school- principal, special education administrator, with home district.
12. Removal from program-home district.

B. PROCEDURES

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

Students who are to be given penalties other than a verbal warning, written warning, written notification to their parents or detention are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Detention is not normally applicable to students in OCM BOCES programs. However, principals and supervisors may use after-school detention as a penalty for student misconduct. Detention will be imposed as a penalty only after the students' parent and home school have been notified to confirm that there is no objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, (i.e. violates the rules earlier outlined in section V) the bus driver is expected to bring such misconduct to the Building Principal's or Special Education Administrator's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the district providing the transportation. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from

attendance, the home district will make appropriate arrangements to provide for the student's education.

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

3. **Suspension from Extra Curricular Activities and Other Privileges**

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

4. **In-School Suspension**

The Board recognizes that the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Building Principals and Special Education Administrators to place students who would otherwise be suspended from school as the result of a code of conduct violation in "in-school suspension." "In-school suspension" is the temporary removal of students from the classroom and their placement in another area of the school building designated for such a suspension where students will receive substantially equivalent, alternative education.

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

5. **Teacher Removal of Disruptive Students**

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 disruptive student can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In many instances the classroom teacher can control disruptive student behavior by using good management techniques. Occasionally, however, it may be necessary for a teacher to remove a disruptive student from the classroom to ensure that the other students continue to learn.

A classroom teacher may remove a student from class for up to two days if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher only.

If the student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student, before the student is removed, with an explanation for why he or she is being removed. The student must also be given the opportunity to present his or her version of the relevant events. Only after this informal discussion may a teacher remove a student from class.

If the student does pose a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours of student's removal.

The teacher must complete a BOCES-established referral form and meet with the principal or special education administrator as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the referral forms. If the principal or special education administrator is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or administrator prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal, Special Education Administrator, or another BOCES administrator designated by the Principal or Special Education Administrator must notify the student's parent, in writing, that the student has been removed from class and why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal, Special Education Administrator, or the designated administrator to discuss the reasons for the removal and behavior modification(s) to remedy the cause for the removal. 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 by the day after the student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if BOCES has been provided with a telephone number(s) for the purpose of contacting parents. If at the informal meeting the student denies the charges, the Principal, Special Education Administrator or the designated administrator must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be

extended by mutual agreement of the parent, teacher and principal or special education administrator.

The Principal, Special Education Administrator or the designee may overturn the removal of the student from class if the principal, special education administrator, or designee finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal, supervisor, or his or her designee must make a determination as to whether to overturn the removal before the close of business on the day after the day of the informal hearing. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal, Special Education Administrator, or designee makes a final determination, or the period of removal expires, whichever is less. At the teacher's discretion, he or she may rescind the removal prior to the expiration of the full period of removal.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is 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 his/her class. The Principal, or Special Education Administrator must keep a log of all removals of students from class. Removal of a student with a disability may, under certain circumstances, constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal, Special Education Administrator or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

Nothing in this section of the code of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this code abridges, the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as 'time out' in an elementary classroom or in an administrator's office or sending students briefly into the hallway are not considered removals from class. The removal process should not become a substitute for good classroom management.

6. **Suspension from School**

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

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Principals and Special Education Administrators..

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

The Superintendent or Principal/Special Education Administrator, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. **Short term (five days or less) Suspension from School**

When the Superintendent or Principal/Special Education Administrator (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if BOCES has been provided with a telephone number(s) for the purpose of contacting the parents. In addition the BOCES official must notify and enlist the cooperation of appropriate home school official.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parent of the right to request an immediate informal conference with the Principal, or Special Education Administrator. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to

ask questions of complaining witnesses under such procedures as the Principal/Special Education Administrator may establish.

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 practical.

After the conference, the Principal, or Special Education Administrator shall promptly advise the parents and home school officials, in writing, of his or her decision. The Principal, or Special Education Administrator 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 Board of Education with the District Clerk within 10 business days of the date of the decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner of Education. These appeals must be filed within 30 days of the decision.

b. Long term (more than five days) Suspension from Programs

When the Special Education Administrator or Building Principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf. In addition the BOCES Official must notify and enlist the cooperation of appropriate home school officials.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths: and to issue subpoenas in conjunction with the proceeding before him 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 Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 30 calendar days of the date of the 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 Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 calendar days of the decision.

c. Removal from Programs

Removal is reserved for extraordinary circumstances such as where a student's conduct poses a risk of harm to other students, BOCES personnel or any other person lawfully on BOCES property or attending a BOCES function, or when it is determined that the student's BOCES program placement is inappropriate and detrimental to their educational progress.

C. MINIMUM PERIODS OF SUSPENSION

1. Students who bring a weapon to BOCES property or functions
Any student other than a student with a disability, found guilty of bringing a weapon onto BOCES property or to a BOCES function will be subject to removal from BOCES programs for at least one calendar year. Before being removed, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year removal on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

The Principal or Special Education Administrator is required to refer the following students to the County Attorney (or the county presentment agency if not the county attorney) for a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law. The Principal or Special Education Administrator is required to refer students over the age of 16 or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on BOCES property (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law. A student with a disability may be suspended only in accordance with the requirements of state and federal law.
3. Students who commit violent acts other than bringing a weapon to school. Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for a minimum of five days. If

the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

4. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom. Any student, other than a student with a disability, who engages in conduct which results in the student being removed from the classroom by teacher(s) on four or more occasions during a semester, or three or more occasions during a trimester, will be suspended from school for at least two days. If the proposed penalty exceeds a five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension.

VIII. ALTERNATIVE INSTRUCTION

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

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

This 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 SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

1. For purposes of this section of the code of conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to a home school provided interim alternative educational setting (IAES).

A home school provided "IAES" means a temporary educational placement provided by their home school 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. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. Home school officials who delegated the authority to suspend students, may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent of the home school, following a hearing pursuant to Education Law §3214(3) 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 they determine that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The home school Superintendent may order the placement of a student with a disability in an IAES to be determined by the home school committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or

possesses a weapon to school or to a school function, the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or the student has inflicted serious bodily injury upon another person while at school or a school function.

e. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(2) 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 pocket knife with a blade of less than 2 1/2 inches in length."

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

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

h. "Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

3. Subject to specified conditions required by both federal and state law and regulations, a impartial hearing officer appointed pursuant to Education Law §4404(i) may order the placement of a student with a disability in a home school provided IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. CHANGE OF PLACEMENT RULE

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year; because the student's behavior is substantially similar

to the student's behavior in previous incidents that resulted in the series of removals, 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.

2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the home school district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the home school manifestation team has determined that the behavior was not a manifestation of the student's disability, or the student is placed in a home school provided IAES for behavior involving weapons, illegal drugs, serious bodily injury or controlled substances.

C. SPECIAL RULES REGARDING THE SUSPENSION OR REMOVAL OF STUDENTS WITH DISABILITIES

1. The home school district's Committee on Special Education shall follow all applicable state and federal laws and regulations and:

a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the home school district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to a home school provided IAES for misconduct involving weapons, serious bodily injury, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the home school CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the home school CSE believe that modifications are needed, the home school district shall convene a meeting of the home school CSE to modify such plan and its implementation, to the extent the committee determines necessary.

2. The home school manifestation team shall review the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability whenever a decision is made to place a student in an IAES either for misconduct involving weapons, serious bodily injury, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.
3. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the home school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the home school district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The home school Superintendent, or BOCES Principal or Special Education Administrator or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the home school district had knowledge the student was a student with a disability:
 - (1) the district conducted an individual evaluation and determined that the student is not a student with a disability;
 - (2) the district determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations. If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors. However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension;

- (3) the parent of the student has not allowed an evaluation of the student; or
- (4) the parent of the student has refused services.

4. OCM BOCES and home school shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to a home school provided IAES or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

5. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

6. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Regulations of the Commissioner of Education incorporated into this policy.

7. The removal of a student with disabilities other than a suspension or placement in a home school provided IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the home school manifestation team has determined that the behavior is not a manifestation of the student's disability.

8. During any period of suspension or removal, including placement in a home school provided IAES, students with disabilities shall be provided services as required by the Regulations of the Commissioner of Education incorporated into this policy.

D. REFERRAL TO LAW ENFORCEMENT AND JUDICIAL AUTHORITIES

In accordance with the provisions of IDEA and its implementing regulations:

1. OCM BOCES shall report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. Building Principal or Special Education Administrator shall ensure that copies of the special education and disciplinary records of a student with

disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported. Any transmission of records shall be accomplished only in accordance with the Family Educational Rights and Privacy Act. (20 U.S.C. §1932g)

X. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of OCM BOCES or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of BOCES functions, powers and duties, if that student has refused to refrain from further disruptive acts, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above. OCM BOCES will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with commissioner's regulations.

XI. STUDENT SEARCHES AND INTERROGATIONS

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

In addition, the Board authorizes BOCES nurses, principals, special education administrators, and teachers to screen all students entering a BOCES facility and search students and their belongings if the authorized BOCES official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct. An authorized BOCES official may conduct such screening using an appropriate metal detecting device without reasonable suspicion. An authorized BOCES official may search a student or the student's belongings based upon information from such screening.

A search may also be warranted by information received from a reliable informant. Individuals, other than the BOCES employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, they provide the same information that is received independently from other sources, or they appear to be credible and the information they

are communicating relates to an immediate threat to safety. BOCES employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized BOCES official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices, except when searches are the result of blanket screenings. Students should be present when their possessions are being searched.

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

The rules in this code of conduct regarding searches of students and their belongings do not apply to student lockers, desks, computers and other school storage places.

Students have no reasonable expectation of privacy with respect to these places and BOCES officials retain complete control over them. This means that student lockers, desks and other BOCES storage places may be subject to search at any time by BOCES officials, without prior notice to students and without their consent.

B. Strip Searches

Strip searches are generally not authorized. Strip searches are only authorized in extreme circumstances that involve life safety issues **and** if law enforcement is not available to address the matter.

If an authorized BOCES official believes it is necessary to conduct a strip search of a student, the BOCES official may do so only if the search is authorized in advance by the District Superintendent or Assistant Superintendent for Student Services. The only exception to this rule requiring advanced authorization is when the BOCES official believes there is an emergency situation that could threaten the safety of the student or others unless the search is conducted immediately.

Strip searches may only be conducted by an authorized BOCES official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the BOCES official conducting a strip search must have probable cause-not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

BOCES officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Documentation of Searches

The official performing a search shall promptly record information about the search, except for searches resulting from screening all students entering a building, in which case, only searches resulting in a finding of contraband will be documented. Such documentation should include:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The principal or special education administrator shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or supervisor shall retain control of the items, unless the items are turned over to the police. The principal or special education administrator shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

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

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

Before police officials are invited in to question or search any student, the building principal or special education administrator shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the parent shall be informed of the questioning or search by the principal or special education

administrator as soon thereafter as practicable. The principal or special education administrator will ask to be present during police questioning or search of a student on BOCES property or at a BOCES function.

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

E. Child Protective Services Investigations

Consistent with OCM BOCES' commitment to keep students safe from harm and the obligation of BOCES officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, OCM BOCES will cooperate with local child protective services workers who wish to conduct interviews of students on BOCES 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 the principal or special education administrator.. The principal or special education administrator shall set the time and place of the interview. The principal or special education administrator shall decide if it is necessary and appropriate for a 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 of his or her clothing in order for the child protective services worker to verify the allegations, the nurse or other BOCES BOCES administrative 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 a BOCES official of the opposite sex.

A child protective services worker may not remove a student from BOCES property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from BOCES property 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 consent.

XII. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Building Principal or Special Education Administrator is responsible for all persons in their building or program area, and on the grounds. For these reasons, the following rules apply to visitors to BOCES property:

Anyone who is not a regular staff member or student of the school or program will be considered a "visitor."

1. All visitors to the BOCES facility must report to the main office or reception area upon arrival at the facility. There they will be required to sign the visitor's register.
2. Visitors attending BOCES functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the Principal, Special Education Administrator or class room teacher(s), so that class disruption is kept to a minimum.
4. Teachers are expected not to take class time to discuss individual matters with visitors.
5. Any unauthorized person on school property will be reported to the Principal or Special Education Administrator. Unauthorized persons will be asked to leave. The police may be called if the situation so warrants.
6. All visitors are expected to abide by the rules for public conduct on BOCES property contained in this code of conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The OCM BOCES district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on BOCES property and at BOCES functions. The restrictions on public conduct on BOCES property and at BOCES functions contained in this code are not intended to limit freedom of speech or peaceful assembly. OCM BOCES recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

A. PROHIBITED CONDUCT

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or remove district property.
3. Disrupt the orderly conduct of classes, BOCES programs or other BOCES activities.
4. Distribute or wear materials on BOCES grounds or at BOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational programs.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, nationality, religion, age, sex, sexual orientation or disability.
6. Enter any portion of the BOCES 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 or exchange alcoholic beverages, controlled substances, or be under the influence of either on BOCES property or at a BOCES function.
10. Possess or use firearms or other weapons including air guns, pistols, rifles, shotguns, ammunition, explosives, box cutters, knives, gas canisters, pepper spray or other noxious spray in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by OCM BOCES district.
11. Loiter on or about BOCES property.
12. Gamble on BOCES property or at BOCES functions.
13. Refuse to comply with any lawful order of identifiable BOCES district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on BOCES property or while at a BOCES function.
16. Smoke anything or otherwise use tobacco products.

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. If necessary, law enforcement personnel will assist in the ejection of violators.
2. Students. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant, including any of the penalties listed in the "Penalties" section of this code of conduct, in accordance with the due process of law requirements.
3. Tenured faculty members. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Education Law section 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service who are entitled to the protection of Civil Service Law Section 75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant, in accordance with Civil Service Law Section 75, and any other legal right that they may have. Staff members other than those described in subdivisions 3 and 4, shall be subject to immediate ejection and to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. ENFORCEMENT

The District Superintendent shall be responsible for enforcing the conduct required by this code.

The District Superintendent may designate the other OCM BOCES district staff who are authorized to take action consistent with the code.

When the Superintendent or his/her designee(s) sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the designated school official shall tell the individual that the conduct is prohibited, and attempt to persuade the individual to stop.

The school official shall also warn the individual of the consequences for failing to stop, if possible and appropriate. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the designated school official shall have the individual removed immediately from BOCES property or the BOCES function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

XIV. DISSEMINATION AND REVIEW

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 summary of the code to all students at the beginning of each academic year.
2. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the academic year and making this summary available later upon request.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption. Providing opportunities for participation in training in compliance with this code.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

On an annual basis, the code of conduct will be publicized and explained to all students and distributed, in writing, to parents and guardians of students. A copy of the code will be filed in each school building, where it will be available for review by any individual.

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

The Board may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parents, and other BOCES personnel.

Before making any revisions to the code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code of conduct and any amendments to it will be filed with the Commissioner of Education no later than 30 days after adoption.