



# OCM BOCES CODE OF CONDUCT

2020-2021

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## ONONDAGA-CORTLAND-MADISON BOCES CODE OF CONDUCT

### I. DEFINITIONS

For purposes of this OCM BOCES Code of Conduct, the following definitions apply.

**"BOCES function"** means any Onondaga-Cortland-Madison (OCM) BOCES-sponsored curricular or extracurricular event or activity.

**"BOCES property"** means in or within any building, structure, play area, parking lot, playground or land contained within the real property boundary line of an OCM BOCES facility, or in or on a school bus, Education Law Section 11[1]

**"Cyberbullying"** means "harassment" or "bullying", where such harassment or bullying occurs through any form of electronic communication. Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs). Cyberbullying can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad. Cyberbullying involving OCM BOCES students may occur both on campus and off school grounds and may involve student use of the district internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools. Cyberbullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property;
- or
- Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school's programs.

**"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 impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**“Discrimination”** is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual, or group of people because of the group, class or category to which that person belongs.

**"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.

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

**“Gender”** means actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11[6]).

**"Harassment"** and **"Bullying"** shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (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. Such definition includes acts of harassment or bullying that occur:

- a) on OCM BOCES property; and/or
- b) at an OCM BOCES function; or
- c) off-school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Such conduct shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. "Emotional harm" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education. (8 NYCRR 100.2).

“Bullying” includes, but is not limited to, threats of intimidation of others, treating others cruelly, terrorizing, coercing, stalking, or habitual putdowns and/or badgering of others, whether done directly, indirectly, face-to-face or remotely through electronic communication (i.e., "cyberbullying"). Bullying is also an activity which can harm or induce fear through the threat of further aggression and/or creates terror. Bullying, real or perceived, may be premeditated or a sudden activity. Bullying may be subtle or easy to identify, done by one person or a group. Bullying may be a single act or a series of occurrences.

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes, but is not limited to, name-calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“Cyberbullying”), anonymous notes, etc.
- Physical bullying includes, but is not limited to, poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes, but is not limited to, excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

Bullying may also involve the following characteristics:

- a) Power imbalance - occurs when a bully uses his/her physical or social power over a target.
- b) Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- c) Threat of further aggression - the bully and the target believe the bullying will continue.
- d) Terror - when any bullying increases, it becomes a systematic violence or harassment used to intimidate and maintain dominance.

**“Hazing”** is a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

**“Material incident of Harassment, Bullying and/or Discrimination”** means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on OCM BOCES property or at an OCM BOCES function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status.

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

**“Race”** includes traits historically associated with race, including but not limited to, hair texture and protective hairstyles.

**“Retaliation”** means when any member of the school community retaliates against any person who reports alleged bullying or harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such bullying or harassment. It is possible that an alleged harasser may be found to have retaliated even if the underlying complaint of bullying or harassment is not found to be a violation of this OCM BOCES Code of Conduct of conduct. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for bullying or harassment.

**“School Bus”** means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in 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 Section 142).

**“Sexual Orientation”** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

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

**With every right comes a responsibility.**

*It is the student's right:*

- 1) To attend school
- 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.
- 3) To be respected as an individual.
- 4) To express one's opinions verbally or in writing.
- 5) To dress in such a way as to express one's personality.
- 6) To be afforded equal and appropriate educational opportunities.
- 7) To take part in all school activities on an equal basis regardless of race, color creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, disability, or any other legally protect status.
- 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
- 9) To be protected from intimidation, harassment or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender/gender identity, sexual orientation disability or any other legally protected status, by employees or students on school property or at a school-sponsored event, function or activity.

*It is the student's responsibility:*

- 1) To attend school daily, arrive on time and strive to do the highest quality work possible
- 2) To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
- 3) To respect one another and to treat others in the manner that one would want to be treated.
- 4) To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
- 5) To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
- 6) To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
- 7) To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
- 8) To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.
- 9) To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

### **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. Work with OCM BOCES to maintain open and respectful communication.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, sex, or any other legally protected status which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.

## **B. TEACHERS**

All teachers are expected to:

1. 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, sex, or any other legally protect status with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know OCM 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.
7. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator, program administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

### **C. SCHOOL COUNSELORS, SOCIAL WORKERS & SCHOOL PSYCHOLOGISTS**

All school counselors, social workers & school psychologists are expected to:

1. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
2. Initiate and appropriately document 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 and graduation requirements, as may be applicable.
4. Provide information to assist students with career planning.
5. Encourage students to benefit from the curriculum and extracurricular programs.
6. Maintain and encourage 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, sex, or any other legally protected status with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the counselor's attention to the building administrator, program administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**D. OTHER SCHOOL STAFF**

**All other staff are expected to:**

1. Follow the OCM BOCES Code of Conduct of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct.
3. Assist in promoting a safe, orderly and stimulating school environment.
4. Maintain confidentiality about all personal information and educational records concerning students and their families.
5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
6. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
8. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator, program administrator and/or Dignity Act Coordinator (DAC) in a timely manner.

**E. PRINCIPALS, ASSISTANT PRINCIPALS AND 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 OCM BOCES Code of Conduct of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage 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, sex, or any other legally protected status with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator, program administrator, and/or DAC in a timely manner.
10. Follow up on any incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the attention of the Principal or Special education administrator in a timely manner in collaboration with the DAC.

**F. DISTRICT SUPERINTENDENT**

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

1. Promote a safe, orderly and stimulating school environment free from bullying, intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with OCM BOCES administrators the policies of the OCM BOCES Board of Education and state and federal laws relating to school operations and management.
3. Inform the OCM BOCES Board of Education 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 OCM BOCES Code of Conduct of conduct and ensuring that all cases are resolved promptly and fairly.
6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
7. Confront issues of bullying, discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
9. Report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator, program administrator, and/or DAC in a timely manner.

**G. OCM BOCES BOARD OF EDUCATION**

The OCM BOCES Board of Education is expected to:

1. Collaborate with student, teacher, and administrator organizations, OCM BOCES safety personnel and other OCM BOCES personnel to develop an OCM BOCES Code of Conduct of conduct that clearly defines expectations for the conduct of students, OCM BOCES personnel and visitors on OCM BOCES property and at OCM BOCES functions.
2. Appoint a Dignity Act Coordinator (DAC) in each program. The DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex or any other legally protected status. The DAC will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner.

4. Maintain a climate of mutual respect and dignity, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status, which will strengthen students' self-concept and promote confidence to learn.

#### **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 OCM BOCES programs. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other OCM 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, actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally 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 OCM BOCES 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, OCM BOCES personnel and other members of the educational community, and for the care of OCM 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 OCM BOCES Board of Education recognizes the need to make its expectations for student conduct while on OCM BOCES property or engaged in an OCM 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 OCM 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 OCM BOCES community.
6. Trespassing. Students are not permitted in any OCM 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; evading the OCM BOCES content filter, cyberbullying, sexting, or any use of computer/electronic communications that violates the OCM BOCES Code of Conduct of Conduct; or any other violation of the OCM BOCES Student Use of Computerized Information Resources (Acceptable Use Policy (#6214).
8. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
9. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the OCM BOCES computer system is prohibited.

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, OCM BOCES administrators or other school employees in charge of students or otherwise demonstrating disrespect.
2. Lateness for, missing or leaving OCM 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, OCM BOCES administrators or other OCM 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 OCM BOCES employee.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on OCM BOCES property.
3. Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student fear for his or her physical well-being.
4. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on OCM BOCES property or at an OCM BOCES function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon.
7. Using any weapon.
8. Intentionally damaging or destroying OCM BOCES property, the personal property of a student, teacher, administrator, other district employee or any person lawfully on OCM BOCES property, including graffiti or arson.
9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or (b) results in material or substantial disruption to the educational environment.

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 OCM BOCES personnel.
2. Stealing OCM BOCES property, the property of other students, OCM 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. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
6. Discrimination, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or any other legally protected status as a basis for treating another in a negative manner on school property or at a school function.
7. Harassment or Bullying.
8. Cyberbullying.
9. Hazing.
10. Retaliation.
11. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, tobacco, tobacco products, e-cigarettes, nicotine products or illegal substances, counterfeit and designer drugs or paraphernalia for use of such drugs or being under the influence of any such substances on school property or at a school function. "Illegal substances" include inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes (including synthetic cannabinoids), 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.

**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, harassment and discrimination 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) create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach OCM BOCES property even though such misconduct is not committed on OCM BOCES property or at an OCM 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.
4. Assisting another student in any of the above actions.

**VI. REPORTING VIOLATIONS OF THE OCM BOCES CODE OF CONDUCT**

Any student observing a student possessing a weapon, alcohol or illegal substance on OCM BOCES property or at an OCM BOCES function shall report this information immediately to a teacher, an OCM BOCES administrator, or the District 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 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.

The principal, or special education administrator must also notify promptly the appropriate local law enforcement agency when such administrator, believes that any harassment, bullying or discrimination may constitute criminal conduct.

**A. Reporting Discrimination, Harassment and Bullying**

The principal or special education administrator is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee.

OCM BOCES will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying. It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member/administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address the immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if an OCM BOCES employee otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the principal or special education administrator no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the principal or special education administrator no later than two school days after making such oral report.

After receipt of a complaint, the principal or special education administrator shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and investigated in accordance with the terms of OCM BOCES policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if OCM BOCES determines that an OCM BOCES official, employee, volunteer, vendor, visitor and/or student has violated the OCM BOCES Code of Conduct or a material incident of harassment, bullying and/ discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, 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 violation was directed.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the principal or special education administrator is the alleged offender, the report will be directed to the District Superintendent.

All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- a) promptly investigated in accordance with the terms of OCM BOCES policy;
- b) forwarded to the program's Dignity Act Coordinator for monitoring; and
- c) treated as confidential and private to the extent possible within legal constraints.

Prevention is the cornerstone of the OCM BOCES effort to address bullying and harassment. In order to implement this anti-bullying prevention program, the OCM BOCES Board of Education will designate, at its annual organizational meeting, individuals at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

The DASA Coordinators will be responsible for assisting in coordinating and enforcing the requirements of the Dignity for All Students Act and its related policies and regulations at each school building, including but not limited to:

- Professional development for staff members;
- The complaint process; and
- Implementation of the Dignity Act's civility curriculum components.

The OCM BOCES Dignity Act Coordinators are as follows:

### **Dignity Act Coordinators**

Renaë Montroy	Reach & Choices at Crown Road Campus and Alternative to Homebound	315-453-4660
Gretchen Belanger	Innovation Tech	315-453-4473
Tara Powless	Deaf and HOH Program and TEAM at Solvay UFSD and TEAM at LaFayette	315-488-9034
Deb Wood	Career & Technical Education - Cortlandville Campus	607-758-5260
Beth Cooper	Transition SED Programs - Baldwinsville CSD, LaFayette CSD, Liverpool CSD and West Genesee CSD	315-362-2693
Julie Darmody-Latham	K-6 Special Education Programs - Crown Road Campus	315-453-4409
Bryan Finlon	9-12 Special Education Programs - Crown Road Campus	315-362-2693
Peter Hunn	Career & Technical Education - Thompson Road Campus	315-433-2234
Karen Koch	TASC, TEP and ADT Programs	315-453-4489
Jason Martin	7-12 Turning Point, TEP at Cortlandville Campus	607-758-5240
Ryan Oyer	SKATE Programs and Transition Program at OCC	315-362-2690
Catherine Reeve	K-6 Turning Point, Stellata at Cortlandville Campus	607-758-5113
Cheryl Rogers	Special Education Programs - STAR and SKATE Program - Homer CSD; TEAM - Cortland ECSD; Transition Program - SUNY Cortland; STAR Program - Tully CSD	607-758-5114
Josh Martin	Cortland Alternative School - Port Watson Street, and TASC - Cortlandville Campus	607-758-9564
Danielle Poissant	7-8 Special Education, Stellata at Crown Road Campus	315-453-4437
Amy Drumluk	Port Watson Street - Seven Valleys New Tech Academy	607-758-5130
Emily Behan	STARS Alternative High School and TASC - Thompson Road Campus	315-431-8400

## **B. CHILD ABUSE IN AN EDUCATIONAL SETTING AND REPORTING SEX CRIMES**

If OCM BOCES staff members learn of child abuse in an educational setting, they shall prepare a written report of the allegations and transmit it to the OCM BOCES administrator. The written report from the mandatory reporter must be completed and turned in immediately upon learning of the conduct. Upon receipt of a written report of allegations of child abuse in the educational setting the OCM BOCES administrator must determine if there is reasonable suspicion to believe that the abuse has occurred. Upon making such a positive determination, the report must be forwarded to the assistant superintendent or the District Superintendent and the appropriate law enforcement agency.

## **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 OCM BOCES Code of Conduct 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, OCM 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 OCM 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 OCM 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 OCM 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 lunch or 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 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 OCM BOCES official or home school official imposing the suspension to discuss the conduct and the penalty involved.

#### 4. **In-School Suspension**

The OCM BOCES Board of Education 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 OCM BOCES Board of Education authorizes 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 OCM 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 an OCM 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 building 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 special education 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 OCM 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:

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

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 OCM BOCES Code of Conduct of conduct abridges the customary right or responsibility of a principal to suspend a student. Further, nothing in this OCM BOCES Code of Conduct 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 OCM BOCES Board of Education 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 OCM BOCES Code of Conduct 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 District 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 District 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 OCM BOCES has been provided with a telephone number(s) for the purpose of contacting the parents. In addition the OCM 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 OCM BOCES Board of Education with the clerk of the OCM BOCES Board of Education 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 OCM BOCES Board of Education 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 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 OCM BOCES official must notify and enlist the cooperation of appropriate home school officials.

The district 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 district superintendent. The report of the hearing officer shall be advisory only, and the district superintendent may accept all or any part thereof.

An appeal of the decision of the district superintendent may be made to the OCM BOCES Board of Education that will make its decision based solely upon the record before it.

All appeals to the OCM BOCES Board of Education must be in writing and submitted to the clerk of the OCM BOCES Board of Education within 30 calendar days of the date of the district superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The OCM BOCES Board of Education may adopt in whole or in part the decision of the district superintendent. Final decisions of the OCM BOCES Board of Education 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, OCM BOCES personnel or any other person lawfully on OCM BOCES property or attending an OCM BOCES function, or when it is determined that the student's OCM BOCES program placement is inappropriate and detrimental to their educational progress.

**C. MINIMUM PERIODS OF SUSPENSION**

1. Students who bring a weapon to OCM BOCES property or functions.

Any student other than a student with a disability, found guilty of bringing a weapon onto OCM BOCES property or to an OCM BOCES function will be subject to removal from OCM 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 district superintendent has the authority to modify the one-year removal on a case-by-case basis. In deciding whether to modify the penalty, the district 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 district 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 respective 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.
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. REMEDIAL RESPONSES TO VIOLATIONS OF OCM BOCES CODE OF CONDUCT**

Students who violate this OCM BOCES Code of Conduct of Conduct may also be referred to remedial action as the facts may warrant, including but not limited to any of the measures listed below:

- a) peer support groups; corrective instruction or other relevant learning or service experience;
- b) supportive intervention;
- c) behavioral assessment or evaluation;
- d) behavioral management plans, with benchmarks that are closely monitored; and/or
- e) student counseling and parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation may also be utilized. These strategies may include:

- a) school and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- b) adoption of research-based prevention programs;
- c) modification of schedules;
- d) adjustment in hallway traffic and other student routes of travel;
- f) targeted use of monitors;
- g) staff professional development;
- h) parent conferences;
- i) involvement of parent-teacher organizations; and/or
- j) peer support groups.

## **IX. 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.

## **X. DISCIPLINE OF STUDENTS WITH DISABILITIES**

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

This OCM BOCES Code of Conduct 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 OCM BOCES Code of Conduct 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:
    - i) the district conducted an individual evaluation and determined that the student is not a student with a disability;
    - ii) 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;
    - iii) the parent of the student has not allowed an evaluation of the student; or
    - iv) the parent of the student has refused services.
4. OCM BOCES and the 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. The 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)

**XI. 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 OCM BOCES 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 OCM 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.

## **XII. STUDENT SEARCHES AND INTERROGATIONS**

The OCM BOCES Board of Education is committed to ensuring an atmosphere on OCM BOCES property and at OCM 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 OCM BOCES Code of Conduct. Students are not entitled to any sort of Miranda-type warning before being questioned by OCM BOCES officials, nor are OCM BOCES officials required to contact a student's parent before questioning the student. However, OCM BOCES officials will tell all students why they are being questioned.

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

OCM 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 OCM 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 OCM BOCES Code of Conduct, 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 OCM BOCES Code of Conduct 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 OCM BOCES officials retain complete control over them. This means that student lockers, desks and other OCM BOCES storage places may be subject to search at any time by OCM BOCES officials, without prior notice to students and without their consent.

**B. 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.

### **C. Police Involvement in Searches and Interrogations of Students**

OCM 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 OCM BOCES buildings or at OCM BOCES functions, or to use OCM BOCES facilities in connection with police work. When OCM BOCES officials have called the police to investigate a crime on school premises, the investigation should be conducted in a manner that minimizes the disruption of the school environment.

If law enforcement seeks to interrogate or remove a student, OCM BOCES is required to immediately contact the student's parents or legal guardians to arrange for their presence, if possible, or obtain their consent unless law enforcement:

1. Has a warrant for the arrest of the student;
2. Has a court order authorizing the removal or interrogation of the student; or
3. Is investigating a possible crime and law enforcement determines either:
  - a) exigent circumstances exist;
  - b) there is an immediate threat of serious physical harm; or
  - c) there is an emergency and immediate need for assistance.

The safety and welfare of the students and school staff takes precedence over any right of an individual to be present during school searches. If there is an allegation regarding a firearm, school staff should, if circumstances permit, immediately notify their administrator or the local law enforcement agency.

These officers, with their training and expertise, should be the ones to initiate any interview and conduct the search for the weapon.

#### **D. Child Protective Services Investigations**

Consistent with OCM BOCES' commitment to keep students safe from harm and the obligation of OCM 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 OCM 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 an OCM 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 OCM 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 an OCM BOCES official of the opposite sex.

A child protective services worker may not remove a student from OCM 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 OCM 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.

### **XIII. VISITORS TO THE SCHOOLS**

The OCM BOCES Board of Education 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 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 OCM 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 OCM 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 OCM 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 OCM BOCES property contained in this OCM BOCES Code of Conduct of conduct.

#### **XIV. PUBLIC CONDUCT ON SCHOOL PROPERTY**

OCM BOCES is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on OCM BOCES property and at OCM BOCES functions. The restrictions on public conduct on OCM BOCES property and at OCM BOCES functions contained in this OCM BOCES Code of Conduct 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 OCM BOCES Code of Conduct 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. Conduct themselves in a disrespectful or disorderly manner.
2. Intentionally injure any person or threaten to do so, or the personal property of a teacher, administrator, other OCM BOCES employee or any person lawfully on OCM BOCES' property, including graffiti or arson.
3. Intentionally damage or remove district property.
4. Disrupt the orderly conduct of classes, OCM BOCES programs or other OCM BOCES activities.

5. Distribute or wear materials on OCM BOCES grounds or at OCM BOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the educational programs.
6. Intimidate, bully, harass, or discriminate against any person on the basis of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation, disability, or any other legally protected status.
7. Enter any portion of the OCM BOCES premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this OCM BOCES Code of Conduct applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on OCM BOCES property or at an OCM BOCES function.
11. 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.
12. Loiter on or about OCM BOCES property.
13. Gamble on OCM BOCES property or at an OCM BOCES functions.
14. Refuse to comply with any lawful order of identifiable OCM BOCES officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this OCM BOCES Code of Conduct.
16. Violate any federal or state statute, local ordinance or OCM BOCES Board of Education policy while on OCM BOCES property or while at an OCM BOCES function.
17. Smoke anything or otherwise use tobacco products.

## **B. PENALTIES**

Persons who violate this OCM BOCES Code of Conduct shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on OCM BOCES grounds or at the OCM 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 OCM BOCES 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 the OCM BOCES Code of Conduct.

The district superintendent may designate the other OCM BOCES district staff who are authorized to take action consistent with the OCM BOCES Code of Conduct.

When the district 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 official shall tell the individual that the conduct is prohibited, and attempt to persuade the individual to stop.

The designated 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 OCM BOCES property or the OCM 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 OCM BOCES Code of Conduct.

## **XV. IN-SERVICE EDUCATIONAL PROGRAMS**

The OCM BOCES Board of Education will provide in-service education programs for all OCM BOCES staff members to ensure the effective implementation of this OCM BOCES Code of Conduct, to promote a safe and supportive school climate while discouraging, among other things, bullying, discrimination and harassment against students by students and/or school employees and to include safe and supportive school climate concepts in the curriculum and classroom management. In-service education programs shall also include training on the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The Superintendent may solicit the recommendations of the OCM BOCES staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The following are suggested programs that may be utilized for in-service education for all staff members to ensure effective implementation of this OCM BOCES Code of Conduct: (1) School-oriented programs developed at the district and building level; (2) Superintendent's workshop days; and (3) faculty meetings.

## **XVI. DISSEMINATION AND REVIEW**

### **A. DISSEMINATION OF CODE OF CONDUCT**

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

1. Providing a public hearing prior to OCM BOCES Board of Education approval of any amendments.
2. Providing copies of a summary of the OCM BOCES Code of Conduct to all students in an age appropriate, plain-language version, at the beginning of each academic year.
3. Mailing a summary of the OCM BOCES Code of Conduct written in plain language to all parents of OCM BOCES students at the beginning of the academic year and making this summary available later upon request.
4. Providing all current teachers and other staff members with a copy of the OCM BOCES Code of Conduct and a copy of any amendments to the OCM BOCES Code of Conduct as soon as practicable after adoption. Providing opportunities for participation in training in compliance with this OCM BOCES Code of Conduct.
5. Providing all new employees with a copy of the current OCM BOCES Code of Conduct of conduct when they are first hired.
6. Making copies of the OCM BOCES Code of Conduct available for review by students, parents and other community members.
7. Posting the OCM BOCES Code of Conduct of conduct on the OCM BOCES web site.

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

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

The OCM BOCES Board of Education may appoint an advisory committee to assist in reviewing the OCM BOCES Code of Conduct and the district's response to OCM BOCES Code of Conduct of conduct violations.

The committee will be made up of representatives of student, teacher, administrator, and parents, and other OCM BOCES personnel.

Before making any revisions to the OCM BOCES Code of Conduct, the OCM BOCES Board of Education will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

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

## **XVII. PROHIBITION OF RETALIATION**

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, who acting reasonably and in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this subdivision, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

Relatedly, neither the OCM BOCES, nor an employee or student thereof shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes a report or initiates, testifies, participates or assists in such formal or informal proceedings.