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Sole Supervisory District Oneida-Herkimer-Madison BOCES

# 2024-2025 Code of Conduct

# 2024-2025 CODE OF CONDUCT

IN ACCORDANCE WITH THE  
NEW YORK STATE SCHOOLS  
AGAINST VIOLENCE IN  
EDUCATION ACT

*“We are better together  
We are OHM BOCES!”*



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CODE OF CONDUCT**I. Introduction**

The Oneida-Herkimer-Madison BOCES (OHM BOCES) Board of Cooperative Educational Services has adopted a comprehensive Code of Conduct which aligns with the New York State SAVE Legislation, delivers the highest quality of education that can be provided to students, and formulates a policy which provides our children a safe school environment.

The Board of Cooperative Educational Services' purpose is to meet the requirements established by the SAVE Legislation (Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000), Article 2-A of the Education Law, and Section 100.2 of the Commissioner's Regulations and in collaboration with students, teachers, administrators, parents, school safety personnel and other school personnel) and make provisions for the governing of the conduct of students, school personnel and visitors on OHM BOCES property, on school buses and at school-sponsored functions. In order to do so, OHM BOCES' comprehensive approach attempts to assure the constitutional rights of every student to expect an education delivered in an environment which is conducive to learning and free of disruption. Furthermore, it deals with any form of school violence that endangers the safety and welfare of students and disrupts the learning environment.

OHM BOCES has also established certain expectations for conduct on school property and at school functions. These expectations are based upon:

1. Enforcing of school rules in a fair, firm, consistent campus-wide manner.
2. Utilizing positive reinforcement for acceptable behavior.
3. Keeping open communication with parents and the community.
4. Demonstrating by work and personal example, respect for law, order, self-discipline, and strive to uphold principles of civility, mutual respect, citizenship, character tolerance, honesty and integrity.

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

**II. Definitions**

For the purposes of this code, the following definitions apply:

**Assault** - a person is guilty of assault when:

1. With intent to cause serious physical injury to another person, they cause such injury to such person or to a third person; or
2. They recklessly cause physical injury to another person; or
3. With criminal negligence, they causes physical injury to another person

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by means of a deadly weapon or a dangerous instrument.

Other circumstances involving assault, but are not limited to are:

1. Intent to disfigure.
2. Evincing a depraved indifference to human life, recklessly engaging in conduct which creates a grave risk of death to another person.

**Cyberbullying** - means harassment or bullying that occurs through any form of electronic communication.

**Disability** - means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**Discrimination** – means discrimination against any student be a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, natural hair or hairstyle, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**Disruptive student** - an elementary or secondary student age 21 or under who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

**Employee** – any person: (i) who is receiving compensation from a school or (ii) whose duties involve direct student contact and (a) who is receiving compensation from any person or entity that contracts with a school to provide transportation services to children, or (b) who is an 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 school, its students or employees, directly or through contract.

**Gender** - means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law Section 11(6)). “Gender expression” is the manner in which a person represents or expresses gender to others, including but not limited to behavior, clothing, hairstyle, activities, voice or mannerisms. “Gender Identity” means a person’s self-conception of their gender, whether or not such self-conception is

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different from that traditionally associated with the person's physiology or assigned sex at birth.

**“Harassment or bullying”** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in this Code, that either:

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

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

For purposes of this definition, the terms “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.

Acts of harassment and bullying that are prohibited include but are not limited to those acts based on a person's actual or perceived race, color, weight, natural hair or hair style, national origin, ethnic origin, ethnic group, religion, religious practice, disability, sexual orientation, sex, gender (including gender identity and expression) or any other legally protected status.

**Hazing** - For purposes of this policy, “hazing” is defined to mean committing an act against a student, or coercing a student into committing an act, that creates a risk of emotional, physical or psychological harm to the student, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term “hazing” includes, but is not limited to: humiliating, degrading or dangerous activities; substance abuse of alcohol, tobacco or illegal drugs; any activity that intimidates or threatens the student with ostracism, or adversely affects the health or safety of the student; or any activity that causes or requires the student to perform a task or act that is a violation of state or federal law or district policies/regulations.

**Illegal Substances** - includes, but is not limited to, inhalants, cannabis/marijuana, synthetic marijuana, or cannabinoids, including, but not limited to, items labeled as incense, bath

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salts, herbal mixtures, or potpourri; cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs and any substances commonly referred to as "designer drugs." This also includes any prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others, and any product which, when misused, will result in an impaired or altered state; as well as any drug-related paraphernalia.

**Material Incident of Harassment, Bullying and/or Discrimination** – 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 school property or at a school 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** - parent, legal guardian or person in parental role to a student.

**Prohibited conduct** - no person, either singly or in concert with others, shall:

1. Cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which they have a lawful right to do, or to do any act which they have a lawful right not to do.
2. Damage or destroy property of the OHM BOCES or remove or use such property without authorization.
3. Enter into any private office, desk, files or vehicle of an administrative officer, faculty member or staff member without permission, expressed or implied. This prohibition does not apply to law enforcement officers or individuals designated by the District Superintendent to conduct lawful investigations of alleged misconduct.

**Retaliation** – the actions of an employee, student, or visitor that mistreats any person because they have reported, testified about, or otherwise assisted in an investigation, proceeding or hearing concerning alleged harassment or bullying or a student disciplinary matter. An individual may be found to have engaged in prohibited retaliation even if the underlying complaint is determined to be unfounded. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment or inducing a third party to take such actions and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

**School Bus** – every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of students, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation or the transportation of pupils, children of students,

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teachers and other persons acting in a supervisory capacity to or from school or school activities.

**School Function** - any school-sponsored extracurricular event or activity. For the purposes of this policy, a “school function” is defined as any event, occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school- sponsored trips.

**School property** - any building, or structure, or on any athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

**Sexual orientation** - means a person’s actual or perceived heterosexuality, homosexuality, or bisexuality.

**Tobacco Product** – means any vaping or nicotine-containing devices and parts or accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any simulated tobacco products that imitate or mimic tobacco products.

**Under the Influence** – a student shall be considered “under the influence” if they have used any quantity of an illegal substance within a time period reasonably proximate to their presence on school property, on a school bus, in a school vehicle, or at a school function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.

**Violent student** - a student age 21 or under who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, or attempts, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function.
3. Possesses a weapon while on school property or at a school function.
4. Displays what appears to be a weapon while on school property or at a school function.
5. Threatens to use a weapon while on school property or at a school function.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys OHM BOCES’ property.
8. Conspires, either with others or alone, in an attempt to commit an act of violence.

**Weapon** - a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun,

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disguised gun, ammunition, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, paint ball guns, pellet guns, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance (“Other Item”) that can cause physical injury or death when such Other Item is used to cause physical injury or death. Any “look-alikes,” fake, or toy weapons, or Other Items wielded as a weapon are considered a weapon for purposes of this definition.

**III. Student Bill of Rights and Responsibilities****A. Student Rights**

The Board of Cooperative Educational Services is committed to safeguarding the rights given to all students under state and federal law, as well as focusing upon positive student behavior. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Take part in all OHM BOCES activities on an equal basis regardless of race, color, creed, national origin, religion, gender, disability, or any other category of individuals protected against discrimination by federal, state or local law.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.
4. Learn in an environment free of discrimination and harassment based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex;
5. Participate equally in all school activities regardless of actual or perceived race (including but not limited to protective hairstyles and hair texture), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression) or sex;
6. Have complaints of alleged discrimination, bullying, and/or harassment be addressed by the appropriate BOCES administrator in accordance with all applicable federal and state laws and regulations, as well as all applicable BOCES policies, regulations, procedures, and other relevant documents.
7. Present all other concerns or grievances about school-related incidents to the appropriate teacher, coach or other school employee; if such complaints or grievances cannot be resolved by the teacher, coach or other school employee to whom they were initially presented, a student may make a complaint to the Building Principal; if a complaint or grievance is not resolved by the Building Principal, then the Building Principal shall report such complaint or grievance



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to the District Superintendent for consideration.

**B. Student Responsibilities**

All students have the responsibility to:

1. Contribute to maintaining a safe and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by all OHM BOCES' policies, rules and regulations dealing with student conduct.
3. Adhere to the prohibition of all illegal substances, alcohol, tobacco products and any associated paraphernalia, energy drinks/stimulants and any objects which may be considered a weapon.
4. Attend OHM BOCES school every day unless legally excused, and be in class, on time, and prepared to learn.
5. Approach teachers, if they have been absent, to make up missed work.
6. Obtain assignments ahead of time from their teacher if they know they are going to be out for an extended time.
7. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
8. Adhere to direction given by all school personnel in a respectful, positive manner.
9. Work to develop strategies to control their anger.
10. Ask questions when they do not understand.
11. Seek help in solving problems to avoid inappropriate behaviors which may lead to disciplinary measures.
12. Dress appropriately for school and school functions.
13. Accept responsibility for their actions.
14. Conduct themselves as representatives of OHM BOCES when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
15. Act and speak respectfully about issues/concerns.
16. Use non-sexist, non-racist and other non-biased language.
17. Respect and treat others with tolerance and dignity regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.
18. Use communication that is non-confrontational and is not obscene or defamatory.
19. Report acts of bullying, discrimination, harassment and other inappropriate actions that hurt others.
20. In addition to the preceding standards of conduct, the OHM BOCES prohibits discrimination and harassment/bullying, as defined in this Code.

CODE OF CONDUCT**IV. Age Appropriate Restatement of Policy**

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

You may not act toward another student in a way that reasonably might make them feel threatened or unsafe, or that might reasonably make them unable to concentrate on their school work, because of what you think about their race (including but not limited to hair texture and protective hair styles), color, weight, national origin (where their family comes from), ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), or sex. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

**V. The Role of Essential Parties****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 school community.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time as required by State Education Law.
4. Provide written excuses for all absences.
5. Provide for their children's health, personal cleanliness, suitable grooming and dress 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 school rules and help their children understand them. Teach their child respect for the law, for the authority of the school and for the rights and property of others.
8. Convey to their children a supportive attitude toward education and OHM BOCES.
9. Build good relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school administrators of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

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13. Provide schools with the means to contact them or a designated person during regular school hours in case of an emergency or a discipline problem.
14. Provide school with any changes in:
  - a. address
  - b. telephone number
  - c. emergency contact
  - d. custodial designee
  - e. medication

**B. Teachers**

All OHM BOCES teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (including gender identity or expression), with the intent of strengthening students' self-concept and promote confidence to learn.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems, and make referrals as needed.
3. Be prepared to teach.
4. Demonstrate interest in teaching and concern for student achievement.
5. Know OHM BOCES policies and rules, and enforce them in a fair and consistent manner.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Communicate and reinforce OHM BOCES' Code of Conduct on a daily basis.
9. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
10. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

**C. School counselors/Social Worker**

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1. Maintain a climate of mutual respect and dignity in for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' confidence and promote learning.
2. Know school policies and rules and enforce them in a fair and consistent manner.
3. Assist students in coping with peer pressure and emerging personal, social and emotional problems, and make referrals as needed.
4. Initiate teacher/student/counselor conferences, as necessary, as a way to resolve problems.
5. Review educational progress and career plans with students on a regular basis.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Communicate and reinforce the OHM BOCES' Code of Conduct on a regular basis.
9. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
10. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

#### **D. Support Staff**

1. Maintain a climate of mutual respect and dignity or all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, with the intent of strengthening students' confidence and promote learning.
2. Know school policies and rules, and enforce them in a fair and consistent manner.
3. Communicate and reinforce OHM BOCES' Code of Conduct on a regular basis.
4. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
5. Initiate teacher/student/counselor conference, as necessary, as a way to resolve problems.
6. Promote a safe, orderly and stimulating school environment to support active teaching and learning.
7. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) school day later; and file a written report not later than two (2)

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school days after the initial oral report.

8. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

#### **E. Principals**

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex, with the intent of strengthening students' confidence and promote learning.
2. Know school policies and rules, and enforce them in a fair, consistent, campus- wide manner.
3. Promote a safe, orderly and stimulating school environment to support active teaching and learning.
4. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.
5. Evaluate on a regular basis all instructional programs.
6. Support the development of and student participation in appropriate extracurricular activities.
7. Enforce the Code of Conduct and will endeavor to resolve all cases promptly and fairly.
8. Acting as a DASA Coordinator, complete a report any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) day later; and file a written report not later than two (2) school days after the initial oral report.
9. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

#### **F. District Superintendent**

1. Maintain a climate of mutual respect and dignity in for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, ethnic group, religion, religious practice, creed, national origin, gender (including gender identity or expression) or sex, with the intent of strengthening students' confidence and promote learning.
2. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
3. Review with OHM BOCES administrators, the policies of the Board of Cooperative Educational Services and state and federal laws relating to school operations and management.
4. Inform the Board of Cooperative Educational Services about educational trends relating to student discipline.

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5. Work to create and support instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with OHM BOCES administrators in enforcing the Code of Conduct and endeavor to resolve all cases promptly and fairly.
7. Review in a timely manner all reports prepared by the Compliance Coordinator or a DASA Coordinator concerning an incident of alleged harassment, bullying and/or discrimination and ensure that appropriate reports are made to law enforcement and appropriate corrective actions have been taken in OHM BOCES.
8. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

#### **G. Cooperative Board of Education**

1. Collaborate with student, teacher, administrator, parent organizations, school safety personnel and other school personnel to develop Code of Conduct that clearly defines expectations for the conduct of students, OHM BOCES personnel and visitors on school property and at school functions.
2. Adopt and review annually OHM BOCES' Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
3. Lead by example by conducting the Board of Cooperative Educational Services meetings in a professional, respectful and courteous manner.
4. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

#### **VI. Student Dress Code**

- A. The intent of the dress code is to foster an environment that is sanitary, safe and conducive to teaching and student learning.
- B. All students are expected to give proper attention to personal cleanliness and to dress appropriately and acceptably for school and school functions. Students and their parents have the primary responsibility for acceptable student dress, appearance, hygiene and behavior. Teachers and all other OHM BOCES personnel should exemplify and reinforce dress and behavior to help students develop an understanding of appropriate appearances and behavior in the school setting.
- C. A student's dress, grooming, hygiene and appearance, including but not limited to jewelry and other accessories, make-up and nails, shall comport with the following guidelines:
  1. Be safe, appropriate and not disrupt or interfere with the educational process or endanger the health, safety and welfare of self or others.
  2. Not expose the midriff (front and back), lower abdominal area, gluteal area

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or chest, and students may not wear clothing through which these areas of the body are visible.

3. Ensure that underwear and other undergarments are completely covered with outer clothing.
  4. Shorts or skirts, whether stockings or leggings are also worn, must be appropriate in length. Appropriate length is defined as mid-thigh. Garments with holes or rips above the appropriate level are prohibited.
  5. Include appropriate footwear at all times. Footwear that is a safety hazard will not be allowed.
  6. Prohibit the wearing of pajamas and slippers.
  7. Prohibit the wearing of headwear, including but not limited to hats, bandanas, scarves, hoods, sunglasses or any other item covering the head or face in school, except for a medical reason, religious purpose or instructional necessity (CTE). Head coverings that display indecent language, impose a health risks, disrupts or creates other compelling educational concerns are prohibited.
  8. Prohibit the wearing of any articles that display any and all gang related colors, slogans or other related forms.
  9. Not include items that are vulgar, obscene, libelous or that denigrate others on account of a persons actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, ethnic group, religion, religious practice, creed, national origin, gender (including gender identity or expression), sexual orientation or disability.
  10. Not promote nor endorse the use of alcohol, tobacco, illegal substances or illegal drugs nor encourage other illegal or violent activities.
  11. Not include items which are gang related or display gang involvement.
  12. Not include chains, spiked accessories or any other item which could be harmful or dangerous.
  13. Remove all heavy winter outerwear in the building as required by the New York State Health Department.
  14. Shall wear all safety equipment and attire as required by OSHA for CTEC.
  15. Prohibit clothing and jewelry that presents a safety hazard.
- D. Nothing in this Dress Code will be construed to limit the ability of students to dress and/or groom themselves in a way that allows them to express their gender identity, or to discipline students for doing so. In addition, nothing in this Dress Code will be construed to limit the ability of students to wear certain protective hairstyles (including but not limited to braids, locks and twists) or to wear their hair in a particular texture, or to discipline students for doing so.
- E. Each Building Principal or their designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.
- F. Students who violate the student dress code shall be required to modify their

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appearance by removing the offending item, replacing it by an acceptable item, or by covering it up. Furthermore, if it is necessary, a parent/guardian may be required to bring an acceptable item to school for their child to change into. Any student who refuses to do so shall be subject to disciplinary action, up to and including in-school suspension. Any student who repeatedly fails to comply with the dress code shall be subject to further disciplinary action, up to and including out-of-school suspension.

**VII. Prohibited Student Conduct**

The Board of Cooperative Educational Services expects all students to conduct themselves in an appropriate, acceptable and civil manner, with proper regard for the rights and welfare of other students, OHM BOCES personnel and other members of the school community, and for the care of school facilities and equipment. The Board of Cooperative Educational Services also recognizes that the involvement of parents, teachers, administrators and other school personnel shall play a role in maintaining proper student conduct. (See Section II, Definition of Prohibited Conduct).

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

The Board of Cooperative Educational Services recognizes the need to set specific and clear expectations for student conduct while on school property or engaged in a school function. The rules of conduct listed below are intended to meet this objective, while focusing 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 school rules will be required to accept the penalties for their conduct.

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

**A. Engage in conduct that is disorderly.**

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

1. Boisterous behavior and running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar, abusive, threatening or have racial, gender, or religious implications.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.



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7. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building. Students are not allowed on school property other than for regular school or extracurricular activity. Students are also not allowed on school property when suspended out-of-school.
8. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of OHM BOCES' acceptable use policy.
9. The use of MP3 players, iPods, walkmans, radios/players are prohibited in classrooms without authorization or specifically designated on a student's Individualized Education Plan. Beepers, pagers and laser light devices are prohibited in school.
10. The use of cell phones and electronic communication devices is strictly prohibited in school.
11. The use of skateboards, roller skates, scooters and in-line skates on school property.
12. Cutting classes
13. Spitting, gleeking or any action that allows any substance to be emitted or discharged from the mouth or nose.
14. Not promote, endorse, possess or use alcohol, tobacco, tobacco products or electronic substitutes, lighters, matches or any object that may be deemed a weapon.

#### **B. Engage in conduct that is insubordinate.**

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

1. Failure to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students.
2. Demonstrating disrespect.
3. Tardiness, missing or leaving school without permission.
4. Skipping detention.

#### **C. Engage in conduct that is disruptive.**

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

1. Violating OHM BOCES Acceptable Use Policy.
2. Unacceptable classroom behavior which interferes with the learning process of any other student.
3. Unacceptable classroom behavior which is disrespectful toward teachers, staff members or peers.
4. Inappropriate noise or talking in class.
5. Public displays of affection.

CODE OF CONDUCT**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, but not limited to, hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as, but not limited to, hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Communicating threats to use any weapon.
6. Damaging, destroying, or stealing the personal property of a student, teacher, administrator, other OHM BOCES employee or any person lawfully on OHM BOCES property, including graffiti or arson.
7. Damaging or destroying OHM BOCES property.

**E. Engage in any conduct that endangers the safety, morals, health or welfare of self and/or of others.**

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

1. Lying to school personnel or impeding an investigation.
2. Stealing the property of other students, school personnel or any other person lawfully on OHM BOCES property or attending a school function.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
4. Discrimination, which includes the use of a persons actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, ethnic group, religion, religious practice, creed, national origin, gender (including gender identity or expression), religious practice, sexual orientation or disability as a basis for treating another in a negative manner.
5. Harassment or bullying, which includes a sufficiently severe action, statement or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as, ridiculing, demeaning or sexual.
6. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
7. Hazing, which includes any intentional or reckless act directed against

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another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.

8. Selling, using or possessing obscene material.
9. Using vulgar, discriminatory, or abusive language, cursing or swearing.
10. All tobacco products and associated items (lighters, matches, etc.) are prohibited on campus. In addition to behavioral consequences, Law Enforcement will be notified.
11. Possessing, consuming, selling, distributing or exchanging alcoholic or illegal substances, or being under the influence of either. Law Enforcement will be notified.
12. Gambling.
13. Extortion.
14. Indecent exposure, that is, exposure to sight the private parts of the body in a lewd or indecent manner.
15. Initiating or engaging in a report warning of fire, bomb threat or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
16. Leaving school grounds or building without permission.
17. Fighting, threatening, intimidating or endangering others.
18. Forgery.
19. Violation of another student's civil rights, meaning any behavior that interferes with and/or disrupts the educational process in a way that violates the civil rights of another student.

**F. Engage in misconduct while on a school bus.** It is crucial for students to behave appropriately while riding on school 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. Any noise, pushing, shoving, spitting and fighting will not be tolerated as outlined in the individual's district Code of Conduct.

**G. Engage in any form of academic misconduct.**

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

### VIII. Reporting Violations

**A. Procedures to Inform Law Enforcement Officials of a Crime and Filing Criminal/Juvenile Delinquency Complaints:**

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1. In the case of a violation of this section or any other provision of this Code of Conduct which constitutes a crime, the District Superintendent has established the following procedures to report such an incident to the appropriate law enforcement agency and to follow through with filing a criminal/juvenile delinquency complaint:
  - a. All individuals are expected to promptly report violations of the Code of Conduct to a teacher, school counselor/social workers, the building principal or his/her designee. Any individual observing a person possessing, discussing the possession of or using a weapon, alcohol or an illegal substance on school property, a school bus, or at a school function shall report this information immediately.
  - b. The principal and/or their designee will gather the necessary information to determine whether they believe a crime has been committed. Any weapon, alcohol or illegal substance shall be confiscated. If it has been determined that a crime has been committed, the appropriate law enforcement agency will be contacted immediately, followed by notification to the parents/guardian of the student(s) involved. These procedures should be followed in all circumstances except in reporting "child abuse in an educational setting" where the procedures for reporting such incidents is set forth in the statute.
  - c. The Building Principal or their designee must notify the appropriate local law enforcement agency of any code violations that constitute a crime or substantially affect the order or security of a school as soon as practical, but in no event no later than the close of business the day the Building Principal or their designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime.
  - d. If, in consultation with the local law enforcement agency, the school district is deemed the appropriate entity to file a criminal/juvenile delinquency complaint against the code violator, the appropriate school administrator (e.g., Building Principal) will be expected to file such a complaint. Where the victim of the crime is an individual, whether a student, teacher, staff member, visitor, etc., the crime victim will be strongly encouraged to file such a complaint.
  - e. All OHM BOCES staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. OHM BOCES staff who are not authorized to impose disciplinary

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sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

#### **B. Responding to Reports of Possible Harassment, Discrimination or Bullying**

1. In addition to the procedures described below for removal of disruptive students and possible suspension from attendance, OHM BOCES provides a procedure for responding to reports of possible discrimination, bullying or harassment against students by another student, an employee, or any other person on school property or at a school function. The process is described in the Equal Opportunity and Nondiscrimination Policy.
2. OHM BOCES has also designated a Dignity Act Coordinator for each school. Those coordinators are:
  - a. Vince Tripodi Principal of Alternative Education  
315-223-6029
  - b. Mike Hoover Principal of Career and Technical Education  
315-793-8647
  - c. Ellen Mahanna Principal of Special Education  
315-793-8603

The Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression), and sex. They are available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experienced treatment that may be prohibited discrimination or harassment.

3. The Dignity Act Coordinators are 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. The 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 they have been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any

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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 a school employee otherwise learns of any occurrence of possible conduct prohibited by this Code, the school employee shall promptly and orally notify the Dignity Act Coordinator(s) no later than one (1) 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 Dignity Act Coordinator(s) no later than two (2) school days after making such oral report. In the event that the Dignity Act Coordinator is the alleged offender, the report will be directed to the Building Principal or District Superintendent.

After receipt of a complaint, the Dignity Act Coordinator(s) shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The Dignity Act Coordinator(s) shall ensure that such investigation is completed promptly and investigated in accordance with the terms of 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 the BOCES determines that a school administrator, employee, volunteer, vendor, visitor and/or student has violated the BOCES' Code of Conduct or a material incident of harassment, bullying and/or 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.

The Building Principal, District Superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct. The Building Principal or the Building Principal's designee shall provide a regular report, at least once during each school year, on data and trends relating to harassment, bullying and/or discrimination to the District Superintendent.

As a general rule, responses to acts of harassment, bullying, and/or

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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.

**C. No Retaliation for Reporting**

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

**IX. Disciplinary Penalties, Procedures and Referrals**

Discipline is often most effective when it deals directly with the problem at the time and place it occurs, and in a way the students view as fair and impartial. OHM BOCES personnel who interact with students are expected to use disciplinary action only when appropriate and to place emphasis on the student's ability to grow in self-discipline. Disciplining action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior and protecting the student body. In determining the appropriate disciplinary action, OHM BOCES 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 all available 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, unless it poses a serious threat or endangerment. This often means that a student's first violation will merit a lighter penalty than subsequent violations. However, the district may impose any level of discipline, even for a first violation, that is proportionate to the misconduct at issue.

Responses to acts of harassment, bullying and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as intervention and discipline. We will

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consider the nature and severity of the conduct, the developmental age of the student engaging in the conduct, the actor's prior disciplinary record, and the impact of the conduct on the student at whom it was directed.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education.

**A. Positive Behavioral Interventions & Remedial Measures**

In lieu of, or in addition to, the disciplinary penalties described in this Code of Conduct, the BOCES may, at its discretion, utilize measured, balanced and age appropriate positive behavioral interventions and other remedial responses for any violations of this Code if, in the opinion of the administrator, such actions will result in improved behavior. Such age-appropriate measures may include, but are not limited to:

1. Use Positivity Project to build engagement and self-esteem within a positive program culture;
2. Life Space Interviews;
3. Recovery and restorative practices;
4. Use of Social Workers to de-escalate, resolve, and return students to instruction;
5. Use of alternative learning environment when able;
6. Establish a positive culture and climate;
7. Greet students outside as they exit the bus, inside the front door, and in the hallways;
8. Utilize a progressive model of student discipline (as stated on page 21)
9. Encourage teacher/teaching assistant to meet with student to discuss concerns;
10. Refer student to counselor for additional discussion;
11. Establish a child study team to review students in need of additional support;
12. Encourage peer to peer mediation and peer to peer accountability;
13. Utilize the guidance suite for time-out as necessary;
14. Contact parents for support; and/or
15. Contact home school for additional support.

**B. Penalties**

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



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1. Verbal warning - any member of the OHM BOCES staff.
2. Written warning - coaches, school counselor/social workers, student managers, teacher assistants, teachers, principal, District Superintendent or designee.
3. Written notification to parent - coaches, school counselors/social workers, teachers, principal, District Superintendent or designee.
4. Detention – teachers may assign detentions if they are consistent with the building detention policy.
5. Detention - principal, District Superintendent or designee.
6. Suspension from transportation - principal, District Superintendent or designee.
7. Suspension from social or extracurricular activities - principal, District Superintendent or designee.
8. Suspension of other privileges - principal, assistant Superintendent, District Superintendent or designee.
9. In-school suspension - principal, assistant Superintendent, District Superintendent or designee.
10. Removal from classroom by teacher - teachers, principal.
11. Short-term (five (5) days or less) suspension from OHM BOCES program - principal, assistant Superintendent, District Superintendent.
12. Long-term (more than five (5) days) suspension from OHM BOCES program - District Superintendent.
13. Restitution for damage to school property or the personal property of any staff member - principal.

#### **C. Procedures**

The amount of due process students are entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the OHM BOCES personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the OHM BOCES personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

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

1. Detention: At present, an OHM BOCES detention program does not exist. If, in the future, OHM BOCES incorporates a detention program, the following policy will be followed:

Teachers, principals and the District Superintendent may use after school detention as a penalty for student misconduct in situations where removal

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from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that the student has appropriate transportation home following detention. Assignment to a detention must comply with building detention policy and procedure.

## 2. Suspension from transportation

If a student does not conduct themselves properly on a bus, the bus driver is expected to bring such misconduct to the individual's district administrator or the district administrator's designee for dealing with bus behavior. Students who become a serious disciplinary problem may have their riding privileges suspended by the district. In such cases, the student's parent will become responsible for seeing that his/her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the 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 the Building Principal or the Principal's designee to discuss the conduct and the penalty involved.

## 3. Suspension from athletic participation, extra-curricular activities and other privileges.

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges will follow the sending district's policy, if it applies to the district's activity or privilege. If it does not, then the decision to suspend a student from athletic participation, extra-curricular activities and other privileges will be a shared decision between the staff or faculty involved in the activity, and the Building Principal.

## 4. In-school suspension

OHM BOCES recognizes that it must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board of Cooperative Educational Services authorizes Building Principals and the District Superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in "in-school suspension." The in-school suspension staff will be supervised by a certified teacher.

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A student subjected to an in-school suspension is not entitled to 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 OHM BOCES administrator imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher removal of disruptive students
  - a. A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can and should make every effort to control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. When these techniques fail a teacher may direct a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Short-term time out will be in a designated area.
  - b. The teacher who removes a student from the classroom is responsible to see that equal instructional time that the student was removed is made up.
  - c. On occasion, a student's behavior may become disruptive. In order to initiate a removal of a student from the classroom, the teacher must first determine that a student is disruptive. For purposes of this Code of Conduct, a disruptive student is a student who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. Behaviors which do not rise to the level defined as disruptive shall be subject to traditional disciplinary strategies, in accordance with this policy.
  - d. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why they are being removed and an opportunity to explain their version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.
  - e. If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why they were removed

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from the classroom and give the student a chance to present his/her version of the relevant events within 24-hours.

- f. The teacher must complete a BOCES-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee 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 designee prior to the beginning of classes on the next school day.
- g. Within 24 hours after the student's removal, the Principal or another District administrator designated by the Building Principal 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 they have the right, upon request, to meet informally with the Building Principal or the Building Principal's designee to discuss the reasons for the removal.
- h. 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 student's removal at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.
- i. The principal may require the teacher who ordered the removal to attend the informal conference if it is held within the teacher's regular school day.
- j. If at the informal meeting the student denies the charges, the Building Principal or the Building Principal's designee 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 and Building Principal.
- k. The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:
  - 1. The charges against the student are not supported by substantial evidence.
  - 2. The student's removal is otherwise in violation of law.

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3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.
  - l. The Building Principal or their designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires whichever is less.
  - m. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until they are permitted to return to the classroom.
  - n. Each program or site will establish their own procedures for handling record keeping and notification. These must meet the SAVE Legislation requirement.
  - o. Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until they have verified with the Principal 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.
6. Suspension from school

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

The Board of Cooperative Educational Services retains its authority to suspend students, but places primary responsibility for the suspension of students with the District Superintendent and the building principals.

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

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

a. Short-term (5 days or less) suspension from school

When the District Superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct of 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 is being 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 the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. 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 the complaining witnesses under such procedures as the Building Principal 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 practicable.

After the conference, the principal shall promptly advise the parents in writing of their decision.

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

When the District Superintendent or Principal determines that a

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suspension for more than five (5) days may be warranted, they will generally refer the student to their home district for disciplinary proceedings. In these circumstances, the student's home district shall be responsible for parent notification and holding the disciplinary hearing in accordance with the Education Law. To facilitate the administration of such disciplinary matters by the home district, the District Superintendent or Building Principal will provide relevant and appropriate documentation to the appropriate school administrator at the student's home district.

The District Superintendent may impose long-term suspensions in accordance with Section 3214 of the Education Law. Should the District Superintendent choose to impose the long-term suspension, rather than referring the student to their home District, then he or she shall give reasonable written notice to the student and the student's parents of their right to a fair hearing and of the charges against the student, pursuant to Section 3214 of the Education Law.

At the hearing, the student shall have the right to be represented by counsel, the right to question witnesses against them, the right to present witnesses and other evidence on his or her behalf, the right to make any statement on their behalf concerning the alleged incident, and the right to refrain from testifying at said hearing, since the testimony may be used against them.

The District Superintendent shall personally hear and determine the proceeding or may, at their 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 them. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations, as to the appropriate measure of discipline to the 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 Board of Cooperative Educational Services that will make its decision based solely upon the record before it. All appeals to the Board of Cooperative Educational Services must be in writing and submitted to the District Clerk within thirty (30) calendar days of the date of the Superintendent's decision. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board of Cooperative Educational Services may be appealed to the

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Commissioner of Education within thirty (30) days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as when a student's conduct poses a life-threatening danger to the safety and well-being of other students, OHM BOCES personnel, themselves, or any other person lawfully on school property or attending a school function.

**D. Minimum Periods of Suspension**

1. Students who bring a weapon to school:

In accordance with the Gun-Free Schools Law (20 U.S.C.A. Section 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. Section 8921), New York State Education Law Section 3214(3), and this Board Policy, the punishment for violation of Section VII Subsection D (3), (4), (5) shall be suspension from attendance upon instruction for a period of not less than one (1) calendar year. The District Superintendent has the authority to modify the one-year suspension on a case-by-case basis.

In deciding whether to modify the penalty, the District Superintendent may consider the following:

- a. The student's age.
- b. The student's grade in school.
- c. The student's prior disciplinary record.
- d. The District Superintendent's belief that other forms of discipline may be more effective.
- e. Input from parents, teachers and/or others.
- f. Other extenuating circumstances

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

2. Students who commit violent acts other than bringing a weapon to school (Refer to violent student under Section II of this policy):

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 at least five (5) days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension.



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If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The District Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the District Superintendent may consider the same factor considered in modifying a one-year suspension for possessing a weapon.

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

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five (5) days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s), pursuant of Education Law §3214(3-a) and this code, on four (4) or more occasions during a semester, or three or more occasions during a trimester. 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 an informal conference 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. The District Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the District Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

**E. Smoking/Tobacco/Nicotine, E-Cigarette Use Prohibited**

The possession, use, sale, or consumption of any form of tobacco, any substance containing nicotine (except prescribed medications), any e-cigarette or oil or vaping product intended for use in an e-cigarette, and any associated paraphernalia is prohibited. Consequences have been determined by OHM BOCES. They are as follows:

1<sup>st</sup> Offense The student will be suspended for one full day of in-school suspension, with a letter and a phone call to parents notifying them of the disciplinary process. The student may be given an additional assignment and or task, as deemed appropriate, to educate the student to the harmful effects of product usage.

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2<sup>nd</sup> Offense The student will be suspended for an increased amount of time in in-school suspension. A letter will be sent, followed by a phone call to parents, notifying them of the second offense and requesting a conference. The student may be given an additional assignment and or task, as deemed appropriate, to educate the student to the harmful effects of product usage.

3<sup>rd</sup> Offense The student will be suspended out-of-school for a minimum of one day, followed by a letter and a phone call to parents notifying them of the third offense. Additionally, this letter will be followed by a phone call to the parents to establish the date and time of a conference. The student may be given an additional assignment and or task, as deemed appropriate, to educate the student to the harmful effects of product usage.

Subsequent Offenses The student will be suspended out-of-school up to a maximum of five (5) days. Parents will be notified by a letter and a phone call regarding these continued offenses and a re-entry meeting with parents will be arranged.

**F. Referrals**

## 1. Referrals to Counseling and Appropriate Humans Services Agencies

The School counselor/Social Worker Office shall handle all referrals of students to counseling. When any student need is beyond the scope of the BOCES' resources, a referral to appropriate human services agencies will be made. All administrators, faculty, pupil services personnel, and other support staff will be responsible for communicating the need for such referrals to the principal or their designee.

## 2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Violating Penal Law §230.00. A single violation of §230.00 will be sufficient basis for filing a PINS petition.

## 3. Juvenile Delinquents and Juvenile Offenders

The District Superintendent is required to refer the following students

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to the County Attorney for a juvenile delinquency proceeding before the Family Court.

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20(42).

The District Superintendent is required to refer students, age 16 and older or any student 14 or 15 years old, who qualifies for juvenile offender status to the appropriate law enforcement authorities.

**X. 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 of Education Law §3214, OHM BOCES will take immediate steps (in conjunction with the provisions under Section IX., B., 5. of this document) to ensure the provision of continued educational programming and activities for such students, which shall include alternative educational programs appropriate to individual student needs.

**XI. Discipline of Students with Disabilities**

The Board of Cooperative Educational Services recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board of Cooperative Educational Services also recognizes that students with disabilities are afforded certain procedural protections whenever school authorities intend to impose discipline upon them. Procedures followed for suspending, removing or otherwise disciplining students with disabilities shall be consistent with the procedural safeguards required by applicable laws and regulations relating to students with disabilities, including but not limited to the Individuals with Disabilities Act (IDEA), Chapter 33 of Title 20 of the United States Code, Part 300 of the Regulations of the Offices of the Department of Education, Education Law Section 3214, and Part 201 of the Regulations of the Commissioner of Education.

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

Students that are enrolled in an OHM BOCES Special Education Program located at a school district site are required to follow the Code of Conduct of the district and of OHM BOCES.

CODE OF CONDUCT**XII. Corporal Punishment**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of a student by any OHM BOCES employee is strictly forbidden.

No BOCES employees, contractors, or volunteers will use an aversive intervention, including mechanical restraints, as an intervention intended to induce pain or discomfort for the purpose of eliminating or reducing maladaptive behaviors.

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

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

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

**XIII. Student Searches and Interrogations**

The Board of Cooperative Educational Services is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school administrator\_authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or OHM BOCES Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school administrators, nor are school administrators\_required to contact a student's parent before questioning the student. However, school administrators will tell all students why they are being questioned.

The Board of Cooperative Educational Services authorized the District Superintendent, building principals, the school nurse, school counselor/social worker, district security administrators and designated staff to conduct searches of students and their belongings if the authorized school administrator has reasonable suspicion to believe that the search will result in evidence that the student violated the law or OHM BOCES' Code of Conduct. Searches can only be conducted in the presence of another designee.

In addition, the Board of Cooperative Educational Services authorizes the District Superintendent, building principals, the school nurse, school counselor/social worker, district security officials and designated staff to use metal detector technology as a screening tool to protect the school community from the possibility of the possession of

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weapons by students. Such metal detector searches will be conducted in accordance with applicable OHM BOCES Board policies.

An authorized school administrator may conduct a search of a student's belongings without reasonable suspicion that is minimally intrusive, such as touching the outside of a book bag. The school administrator should have legitimate reason for a very limited search. An authorized school administrator may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than OHM BOCES employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. OHM 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 school administrator should attempt to get the student to admit that they possess physical evidence that violates the law or OHM BOCES Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

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

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

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectations of privacy with respect to these places and school administrators retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school administrators, without prior notice to students and without their consent. Students are expected, however, to assume full responsibility for the security of their lockers, and the OHM BOCES is not responsible for stolen items. A list of the locker or lock combinations to all student lockers shall be kept in the office of the Building Principal.

**B. Strip Searches**

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket. Strip searches by any school employees are expressly prohibited.

**C. Documentation of Searches**

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The Building Principal will keep a confidential record of each reported search. The authorized school administrators conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s) must be confidential unless required for a hearing.
4. Purpose of search (this is, what items(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his/her title and position.
7. Witnesses 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 Building Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or their designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Principal or their designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

#### **D. Cooperation with Law Enforcement Officials**

OHM BOCES administrators are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. When BOCES administrators have called the police to investigate a crime on school premises, school administrators should yield to police leadership on the conduct of the investigation. The investigation should be conducted in a manner that minimizes the disruption of the school environment.

Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. If law enforcement seeks to interrogate or remove a student, the 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 they:

1. Have a warrant for the arrest of the student; or
2. Have a court order authorizing the removal or interrogation of the student;  
or
3. Are investigating a possible crime and law enforcement determines either:
  - a. Exigent circumstances exist;
  - b. There is an immediate threat of serious physical harm; or

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- c. There is an emergency and immediate need for assistance.

School administrators will defer to the police on these issues and their determinations.

Before police officials are permitted to question or search any student, the building principal or their designee shall first try to notify the student's parents to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search will not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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

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

#### **E. Child Protective Services Investigations**

Consistent with the OHM BOCES' commitment to keep students safe from harm and the obligation of school administrators to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, OHM BOCES will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to the Building Principal or their designee. Child protective service workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not they were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be

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subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

**XIV. Visitors to the Schools**

The Board of Cooperative Educational Services 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. Clearly displayed signs must be posted at all entrances informing visitors to report to the main office or designated areas. The Building Principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must report to the office of the Principal or other designated area upon arrival at the school. They will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building. A visitor may be required to provide identification.
3. Visitors attending school functions that are open to the public, such as parent - teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum. The teacher should notify the Principal.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the principal or their designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

**XV. Public Conduct on School Property**

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

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. OHM BOCES



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recognizes that free inquiry and free expression are indispensable to the objectives of OHM BOCES. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

**A. Prohibited Conduct**

No person, either alone or with others, shall:

1. Injure any person intentionally or threaten to do so.
2. Damage, destroy, or steal school district property or the personal property of a teacher, administrator, other OHM BOCES employee, student, or any person lawfully on school property, (including graffiti or arson).
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, are gang related, obstruct the rights of others, or are disruptive to the school program.
5. Verbal or physical intimidation, including threatening to cause physical injury to any other person; acts that constitute harassment, as defined in Section II of the Code of Conduct, labeled "Definitions".
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the District Superintendent.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable OHM BOCES administrators performing their duties.
14. Incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. The use, possession, sale, gift, or purchase, or the attempted use, possession, sale, gift, or purchase of:

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- a. any Illegal Substance, as defined in this Code;
- b. marijuana or any substance listed by the federal government as a controlled substance;
- c. synthetic marijuana, or cannabinoids, including, but not limited to, items labeled as incense, bath salts, herbal mixtures, or potpourri;
- d. any prescription medication other than in compliance with a valid prescription;
- e. any non-prescription (over-the-counter) medication other than in accordance with the manufacturer's directions for use;
- f. any substance that the possessor or one of the persons involved in a transaction believes to be a substance described in this subsection;
- or
- g. any pipes, bongs, clips, or other paraphernalia associated with the use of any of the substances described in this subsection.

**B. Penalties**

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

- 1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- 2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- 3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020 a or any other legal rights that they may have.
- 4. Staff members in the classified service of the civil service who are entitled to the protection of Civil Service Law §75 shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
- 5. Staff members other than those described in subdivisions 3 and 4. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

**C. Enforcement**

The Building Principal or their designee shall be responsible for enforcing the conduct required by this code.

When the Building Principal or their designee sees an individual engaged in prohibited conduct, which in their judgment does not pose any immediate threat of injury to persons or property, the Principal or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or their designee should also warn the individual of the consequences for failing to stop, if possible and appropriate. If the person refuses to stop engaging in

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the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or their designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

OHM BOCES shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above.

In addition, OHM BOCES reserves its right to pursue a civil or criminal legal action against any person violating the code.

#### **XVI. Standards and Procedures to Assure the Security and Safety of Students and School Personnel**

The BOCES has established a BOCES-level school safety plan, and a building-level emergency response plan for each BOCES school building, which have been developed in accordance with applicable law and regulation to assure the security and safety of students and school personnel.

#### **XVII. Dissemination and Review**

##### **A. Dissemination of Code of Conduct**

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

1. Posting the complete Code of Conduct, respectively, on the OHM BOCES internet website, including any annual updates or amendments thereto.
2. Providing copies of a summary of the code to all students in an age-appropriate version, written in plain language, as a general assembly held at the beginning of each school year.
3. Provide by mail a plain language summary of the Code of Conduct to all persons in a parental relation to the students before the beginning of each school year and making the summary available thereafter upon request.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Provide training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while

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discouraging, among other things, discrimination or harassment against students and/or school employees.

8. Provide “safe and supportive school climate concepts” in the OHM BOCES curriculum.

OHM BOCES shall develop and implement a program of instruction in grades Kindergarten through Grade 12 that supports development of a school environment free of harassment, bullying and/or discrimination, that raises student and staff awareness and sensitivity to harassment, bullying and /or discrimination, that instructs in the safe and responsible use of the internet and electronic communications and that includes a component on civility, citizenship and character education in accordance with Education Law. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.

The Board of Cooperative Educational Services will sponsor an in-service education program for all OHM BOCES staff members to ensure the effective implementation of the Code of Conduct and other policies on school conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging, among other things, harassment, bullying and discrimination against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. The District Superintendent may solicit the recommendations of OHM BOCES staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

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

The Board of Cooperative Educational Services may appoint an advisory committee to assist in reviewing the code and OHM BOCES’ response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, parent organizations, school safety personnel and other OHM BOCES personnel.

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

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

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**B. In-Service Education**

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

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Oneida-Herkimer-Madison Board of Cooperative Educational Services

Adopted: 07/01/08, 04/09/14

Revised: 10/10/12, 06/12/13, 07/12/18, 9/8/21, 8/10/22, 08/09/23, \_\_\_\_\_