

**Subject:**     Code of Conduct and Student Discipline

**CAYUGA-ONONDAGA BOARD OF COOPERATIVE  
EDUCATIONAL SERVICES**

**CODE OF CONDUCT AND STUDENT DISCIPLINE**

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## I. ACKNOWLEDGEMENTS

The Cayuga-Onondaga BOCES wishes to acknowledge and thank all administrators, teachers, aides, students and parents who assisted and participated in the development of this Plan.

## II. PREFACE TO DISCIPLINE CODE

The Cayuga-Onondaga BOCES is committed to providing a safe and orderly school environment where students may receive and personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other personnel, parents and other visitors is essential to achieving this goal. A primary task of our school is to create a stimulating educational climate for all students, in an atmosphere that is conducive to teaching, learning and living. This is achieved in part with a focus on the rights of all those involved.

It is the position of the Cayuga-Onondaga BOCES faculty and administration that students cannot learn and teachers cannot teach when disruptions exist. It is also our firm belief that the students in attendance are responsible people.

The rights of individuals are reserved only by the protection and preservation of the rights of others. Students responsible for the way they exercise these rights must accept the consequences of their actions and recognize the boundaries of their rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

The Cayuga-Onondaga BOCES recognizes the need to clearly define expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Cayuga-Onondaga BOCES adopts this code of conduct. Unless otherwise indicated, this code of conduct applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## III. DEFINITIONS

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

**Disruptive student** means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom (as exhibited by the student's persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules).

**Firearm** means a firearm as defined in 18 USC §921. The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any

firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "**destructive device**" means:

- (A) any explosive, incendiary, or poison gas
  - (i) bomb,
  - (ii) grenade,
  - (iii) rocket having a propellant charge of more than four ounces,
  - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
  - (v) mine, or
  - (vi) device similar to any of the devices described in the preceding clauses;
- (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

**Parent** means parent, guardian or person in parental relation to a student.

**Removal** means an action taken by a teacher to remove a disruptive student from a classroom for a full period or more or for a period of time greater than forty-five (45) minutes. A removal does not include such practices as short-term "time outs", sending a student into the hallway or to the principal's or counselor's office for a brief period of time, to the extent that the removal does not exceed a full period or forty-five (45) minutes.

**School property** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or

secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142. Education Law §2801(1).

**School function** means any school-sponsored extra-curricular event or activity.

**Violent student** means a student under the age of 21 who:

- Commits, 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, or attempts to do so.
- Commits an act of violence upon a school employee, or attempts to do so.
- Possesses, while on school property or at a school function, a firearm or weapon.
- Displays, while on school property or at a school function, what appears to be a firearm or weapon.
- Threatens, while on school property or at a school function, to use a firearm or weapon.
- 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.
- Knowingly and intentionally damages or destroys school property.

**Weapon** shall mean any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

#### **IV. STUDENT BILL OF RIGHTS AND RESPONSIBILITIES**

##### **A. Student's Bill of Rights**

In accordance with Section 100.2(1) of the Commissioner's Regulation, this code will be followed on the Cayuga-Onondaga Counties BOCES grounds, in buildings, on buses and at any function or on any work site sponsored by the BOCES.

- Students have the right to pursue an education in an atmosphere that is safe and conducive to learning, and to achieve all that they are capable of achieving.
- Students have the right to pursue a particular course of study which best meets their educational needs.
- Students have the right to be respected on the merits of their attributes as individuals.
- Students have the right to procedural due process guaranteed by the United States Constitution and New York State Education Law prior to disciplinary action taken against them.

- Students have the right to freedom of speech and expression which do not interfere with the educational process or infringe upon the rights of others.
- Students have the right to freedom from discrimination relative to participation in curriculum offerings and extra-curricular activities.
- Students have the right to have rules clearly stated, explained and distributed at the beginning of every school year or at the start of enrollment in the BOCES.
- Students have the right to freedom from unreasonable search and seizure. The key word is “unreasonable”, as a student may be searched and contraband seized when there is reason to believe the student is engaging in an illegal activity or an activity in violation of BOCES rules or policy.
- Students with handicapping conditions have the right to have their behavior evaluated on the basis of their handicapping condition.

**B. Student’s Bill of Responsibilities**

- Students will conduct themselves with respect toward self, fellow students, teachers and others.
- Students will strive to achieve to their potential in all areas.
- Students will follow the directions of the faculty and administration.
- Students will fulfill all classroom obligations.
- Students will show respect for BOCES property and for the property of others.
- Students will strive to demonstrate good conduct and positive attitude at all times in all BOCES activities.
- Students will dress and groom themselves neatly in clothes that are suitable for school activities in accordance with the dress code contained within this code. Clothing which is not compatible with safety or which interferes with the ability to engage in the activities involved in the classroom, shop or lab is prohibited, as is dress which is so distracting as to interfere with the learning process.
- Students will be held financially responsible for texts, tools, locks or any other BOCES equipment assigned to them.

**V. RESPONSIBILITIES OF STAFF AND PARENTS**

**A. Parents**

All parents are expected to:

- Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community.
- Send their children to school ready to participate and learn.
- Ensure their children attend school regularly and on time.
- Ensure absences are excused.
- Insist their children be dressed and groomed in a manner consistent with the student dress code.
- Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.

- Know school rules and help their children understand them.
- Convey to their children a supportive attitude toward education and the Cayuga-Onondaga BOCES.
- Build good relationships with teachers, other parents and their children's friends.
- Help their children deal effectively with peer pressure.
- Inform school officials of changes in the home situation that may affect student conduct or performance.
- Provide a place for study and ensure homework assignments are completed.

**B. Teachers**

All teachers are expected to:

- Recognize that the education of the children is a joint responsibility of the parents and the school community.
- Maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn.
- Be prepared to teach.
- Demonstrate interest in teaching and concern for student achievement.
- Know school policies and rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents:
  - Course objectives and requirements
  - Marking/grading procedures
  - Assignment deadlines
  - Expectations for students
  - Classroom discipline plan.
- Communicate regularly with students, parents and other teachers concerning growth and achievement.
- Build good relationships with students and parents.
- Help students deal effectively with peer pressure.

**C. Guidance Counselors**

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

**D. Principals**

- Promote a safe, orderly and stimulating school environment, supporting active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances.

- Evaluate on a regular basis all instructional programs.
- Support the development of and student participation in appropriate extracurricular activities.
- Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.

**E. District Superintendent**

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

**F. Board of Education**

- Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, personnel and visitors on school property and at school functions.
- Adopt and review at least annually the code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful, courteous manner.

**VI. STUDENT DRESS CODE**

Students will dress and groom themselves neatly in clothes that are suitable and appropriate for school activities. Clothing which is not compatible with safety or which interferes with the ability to engage in the activities involved in the classroom, shop or lab is prohibited, as is dress which is so distracting as to interfere with the learning process. Students and their parents have the primary responsibility for acceptable student dress and appearance. **Teachers and all other personnel shall exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.**

A student's dress, grooming and appearance shall:

- Be safe, appropriate and not disrupt or interfere with the educational process.
- Recognize that extremely brief garments such as muscle shirts, tank tops, tube tops or similar cut-off shirts, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate. Straps on shirts or tank tops



shall be at least the width of two fingers. Shorts and skirts shall be at least the length of four fingers above the student's knees.

- Shorts may be worn only at the discretion of BOCES staff. Shorts will not be permitted in area or during any class where a student's safety, health or welfare is an issue. When shorts are permitted, the student must ensure that the length is appropriate to cover all private body parts, including buttocks. Cut-off shorts are not permitted and shorts shall not be torn or have frayed edges.
- Ensure that underwear is completely covered with outer clothing and ensure that all private body parts, including buttocks, are covered with outer clothing.
- Include footwear at all times. Footwear that is a safety hazard will not be allowed (flip-flops, sandals, shoes with open-toes, etc).
- Not include the wearing of headwear or any other head covering, except for a medical or religious purpose or as required by BOCES staff for safety or educational purposes.
- Not include items that are vulgar, obscene, libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
- Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

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

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

## **VII. PROHIBITED STUDENT CONDUCT**

The Cayuga-Onondaga BOCES expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. The Cayuga-Onondaga BOCES, however, recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are not all inclusive and are intended to focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Discipline may be imposed on students who engage in the following:

**A. Disorderly Conduct**

Examples of disorderly conduct include:

- Running in hallways.
- Making unreasonable noise.
- Using language or gestures that are profane, lewd, vulgar or abusive.
- Obstructing vehicular or pedestrian traffic.
- Engaging in any willful act which disrupts the normal operation of the school community.
- 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.
- Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the Cayuga-Onondaga BOCES acceptable use policy.
- Bringing to school or having in his/her possession any item considered a nuisance (audio or other personal music devices), dangerous or immoral (firearms, weapons, chains, sharp objects, firecrackers, pornographic material, etc.).
- Driving or riding to and from the BOCES Campus or a BOCES-sponsored activity without permission.

**B. Insubordinate Conduct**

Examples of insubordinate conduct include:

- Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect.
- Lateness for, missing or leaving a class or school, school grounds or a job site without permission.
- Entering any area without authorization.
- Refusing to leave any classroom, building or job site after being directed to do so by BOCES authorized personnel.
- Skipping detention.

**C. Disruptive Conduct**

Examples of disruptive conduct include:

- Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
- Physically restrain or detain any other person or remove such person from any place where he/she has authority to remain.
- Obstruct the free movement of persons and vehicles in any place where such movement is authorized or permitted.

#### **D. Violent Conduct**

Examples of violent conduct include:

- Committing an act of violence (such as hitting, kicking, punching, scratching, spitting or biting – this is not an exhaustive list) upon a teacher, administrator or other school employee or attempting to do so.
- Committing an act of violence (such as hitting, kicking, punching, scratching, spitting or biting – this is not an exhaustive list) upon another student or any other person lawfully on school property or attempting to do so.
- Possessing a firearm or weapon. Authorized law enforcement officials are the only persons permitted to have a firearm or weapon in their possession while on school property or at a school function.
- Displaying what appears to be a firearm or weapon.
- Threatening to use any firearm or weapon.
- Intentionally damaging or destroying the personal property of a student, teacher, administrator, other employee or any person lawfully on school property, including graffiti or arson.
- Intentionally damaging or destroying school property.

#### **E. Endangering The Safety, Morals, Health Or Welfare Of Others**

Examples of such conduct include:

- Lying to school personnel.
- Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
- 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.
- Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
- Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- Selling, using or possessing obscene material.
- Using vulgar or abusive language, cursing or swearing.
- Possession or use of tobacco or nicotine products.
- Possession or use of any electronic cigarette, vapor cigarette or any smoking device, electronic or otherwise.

- Possession or use of any non-tobacco smoking product, any nicotine delivery product, device or accessory.
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. “Illegal substances” include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, synthetic marijuana or synthetic cannabinoids, and any substances commonly referred to as “designer” or “look alike” drugs.
- Inappropriately using, selling or sharing prescription and over-the-counter drugs.
- Gambling.
- Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- Harassment or bullying, which shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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 or sex.
- “Sexting” which includes the sending, receiving, or possession of sexually explicit messages, photographs, or images by electronic devices.
- Cyberbullying, which includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or website postings (including blogs).
- Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, tampering with or discharging a fire extinguisher.
- Engage in any act which is in violation of an established BOCES rules or policy, to willfully incite others to commit any of the acts herein, or to engage in irresponsible behavior or conduct contrary to decent, polite, honorable and honest standards

#### **F. Students Who Engage In Misconduct On A School Bus**

It is crucial for students to behave appropriately while riding on buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

#### **G. Students Who Engage In Academic Misconduct**

Examples of academic misconduct include:

- Plagiarism.

- Cheating.
- Copying.
- Altering records.
- Assisting another student in any of the above actions.

## **H. Off Campus Speech**

The BOCES may take disciplinary action pursuant to this Code of Conduct against students for off-campus speech that causes or threatens to cause a material or substantial disruption in the school. Speech can include traditional speech, or electronic speech such as e-mail messages, blogs, website postings (including but not limited to Facebook, YouTube, MySpace), instant messages, text messages, digital pictures or images.

## **I. Electronic Devices**

The BOCES strongly discourages students from bringing and/or using electronic devices at school. The use of electronic devices can be disruptive to the educational process and are items that are frequently lost or stolen. The BOCES is not responsible for the security and safekeeping of these items and is not financially responsible for any damage, destruction, or loss of electronic devices.

In order to maintain a secure and orderly learning environment, and to promote respect and courtesy regarding the use of electronic devices, the BOCES hereby establishes the following rules and regulations governing student use of electronic devices, and procedures to address student misuse of electronic devices.

**“Electronic device(s)”** means a privately owned device that is used for voice, audio, video, or text communication or any other type of computer or computer-like instrument which includes, but are not limited to, cell phones, Mp3 players, iPods, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, lap top computers, and other electronic or battery powered instruments which transmit voice, text, or data from one person to another.

Except as otherwise provided by this policy, student use of electronic devices on the BOCES campus is strictly prohibited. Electronic devices are to be stored by students in a safe place and shall not be removed or used except as authorized by a teacher or administrator. Teachers shall have the discretion to designate certain times when electronic devices can be used in their classrooms. Administrators shall have the discretion to permit the use of electronic devices on BOCES property during school hours.

Electronic devices may be used during a class period or school activity when specifically approved by the teacher or a school administrator in conjunction with educationally appropriate objectives.

Students may use electronic devices during class time when authorized pursuant to an Individual

Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care Plan.

Students shall not use electronic devices at any time or place for: (a) activities which disrupt the educational environment; (b) illegal activities in violation of state or federal laws or regulations; (c) unethical activities, such as cheating on assignments or tests; (d) immoral or pornographic activities, including, but not limited to, sexting; (e) activities which threaten, humiliate, harass, or intimidate others; (f) activities in violation of BOCES policies and procedures relating to student conduct and harassment; or (g) activities which invade the privacy of others. Such student misuses may result in appropriate disciplinary action, including, but not limited to, suspension from school in accordance with this code of conduct.

Electronic devices used in violation of this policy may be confiscated by school personnel and returned to the student or parent / guardian at an appropriate time. If an electronic device is confiscated, the electronic device shall be taken to the school's main office to be identified, placed in a secure area, and returned to the student and/or the student's parent/guardian in a consistent and orderly way.

First Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration and a conference between the student and his/her parent/guardian and the school principal or assistant principal. The electronic device shall remain in the possession of the school administration until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.

Second Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration, a conference between the student and his/her parent/guardian and the school principal or assistant principal, and suspension of the student from school. The electronic device shall remain in the possession of the school administration until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.

Subsequent Violations: Students who are repeat offenders of this policy shall be subject to the imposition of any appropriate disciplinary action, which may include suspension from school.

Students and/or parents/guardians, as applicable, are expected to claim a confiscated electronic device within ten (10) days of the date it was relinquished. The BOCES shall not be responsible, financially or otherwise, for any unclaimed electronic devices after this time period.

## **J. Harassment and Discrimination (Dignity for All Students Act)**

### **Definitions:**

1. **School property** shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.

2. **School function** shall mean a school-sponsored extra-curricular event or activity.
3. **Disability** shall mean: (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 shall 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.
4. **Employee** shall mean employee as defined in subdivision three of section eleven hundred twenty-five of this title.
5. **Sexual orientation** shall mean actual or perceived heterosexuality, homosexuality or bisexuality.
6. **Gender** shall mean actual or perceived sex and shall include a person's gender identity or expression.
7. **Harassment and Bullying** mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including **cyberbullying**, that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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 or sex.
8. **Discrimination** means discrimination against any student by a student or students and/or an 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, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
9. **Material Incident of Discrimination and/or Harassment** means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:

- a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental or emotional and/or physical well-being; or
- b. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

The BOCES prohibits discrimination and harassment against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, of such a severe nature that:

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

Such conduct shall include all forms of discrimination and harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

**K. Reporting Allegations of Harassment, Bullying or Discrimination**

Students shall have the right to file a complaint if they have been subject to harassment, bullying or discrimination. A complaint may be filed with any Dignity Act Coordinator or any administrator. The BOCES will investigate all complaints of harassment, bullying and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the BOCES finds that this code of conduct has been violated, corrective action will be taken in accordance with BOCES policies and regulations, this code of conduct, and all appropriate federal or state laws.

**L. Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The BOCES prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of any complaint of discrimination, harassment, or violation of this code of conduct.

**VIII. REPORTS TO LAW ENFORCEMENT**

All students are expected to promptly report violations of the code of conduct to a teacher, the building principal or his or her designee. Any student observing a student possessing a firearm, weapon, alcohol or illegal substance on school property or at a school function shall report this



information immediately to a teacher, the building principal, the principal's designee or the superintendent. Any firearm, weapon, alcohol or illegal substance found shall be confiscated immediately, if possible.

All staff authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. Staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to the building principal or his or her designee.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on 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.

## **IX. DISCIPLINARY PENALTIES & PROCEDURES**

Any pupil who violates any of the rules of the code of conduct shall be subject to immediate and appropriate disciplinary action. Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

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

### **A. Penalties**

Students who are found to have violated the code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process. In addition, students who attend the Cayuga-Onondaga BOCES are subject to discipline from their home school district for conduct occurring while in attendance at the BOCES.

- Oral warning – any member of the staff
- Written warning– bus drivers, aides and monitors, counselors, teachers, principal, District Superintendent
- Written notification to parent – counselors, teachers, principal, District Superintendent

- Detention – teachers, principal, District superintendent
- Suspension from clubs, social or extracurricular activities – activity director, principal, District Superintendent
- Suspension of other privileges – principal, District Superintendent
- In-school suspension – principal, District Superintendent
- Removal from classroom – teachers, principal, District Superintendent
- Short-term (five days or less) suspension from school – principal, District Superintendent, board of education, official from home school district
- Long-term (more than five days) suspension from school – District Superintendent, board of education, official from home school district
- Permanent suspension from school – District Superintendent, board of education, official from home school district

The Principal and the home school principal are authorized to suspend pupils from the BOCES for a period of time not to exceed five days for any one incident. The District Superintendent and board of education may impose long-term suspensions in accordance with Education Law §3214. Generally, recommendations for long-term suspensions shall be made to the home school executive officer.

## **B. Procedures**

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. Students who are to be disciplined other than an oral warning, written warning or written notification to their parents are entitled to additional rights before discipline can be imposed.

### **1. Teacher disciplinary removal of disruptive students**

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

For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

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

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation

for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

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

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 not later than the end of the first day of a student removal, 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.

Within 24-hours after the student's removal, the principal or another administrator designated by the principal must notify the student's parents that the student has been removed from class and why. The parent must be informed that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal. If a conference is requested by the parent, the teacher who ordered the removal must attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the 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 principal.

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:

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

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is

requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination or the period of removal expires, whichever is less.

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

## **2. Suspension from school**

The Cayuga-Onondaga BOCES retains its authority to suspend students, but places primary responsibility for the suspension of students with the District Superintendent and principals. Any staff member may recommend to the District Superintendent or a principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the 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 suspension.

The District Superintendent or a 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 for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if 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 complaining witnesses under such procedures as the principal may established.

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 his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days. The District Superintendent shall issue a written decision regarding the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board of education with the board clerk within five business days of the date of the superintendents' decision. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

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

Generally, long-term suspensions will be initiated and conducted by the student's home school district upon a recommendation from the District superintendent or principal. The Cayuga-Onondaga BOCES does not, however, relinquish its right to suspend students from attendance for periods in excess of five (5) days.

When a suspension for more than five days is warranted, reasonable notice shall be given to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The District superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board of education. All appeals to the board of education must be in writing and submitted to the clerk of the board of education within five business 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 may be appealed to the Commissioner within thirty days of the decision.

**C. Minimum Periods of Suspension**

**1. Students who bring a firearm to school (Gun Free Schools Act)**

Any student found guilty of bringing a firearm (as that term is defined in 18 USC §921) onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- The student's age.
- The student's grade in school.
- The student's prior disciplinary record.
- The superintendent's belief that other forms of discipline may be more effective.
- Input from parents, teachers and/or others.
- 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 or bring a weapon to school**

Any student, other than a student with a disability, who is found to have committed a violent act or who has brought a weapon onto school property, as that term is defined by this code of conduct, shall be subject to suspension from school for a minimum of 5 school days. The 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 superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon, as set forth above.

**3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes 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 school 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 to Education Law §3214(3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. The 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 superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

## **D. Referrals**

### **1. Counseling**

The Guidance Office shall handle all referrals of students to counseling.

### **2. PINS Petitions**

The Cayuga-Onondaga BOCES 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:

- Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- 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.
- Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.
- Knowingly and unlawfully possesses any illegal drug or controlled substance.

### **3. Juvenile Delinquents and Juvenile Offenders**

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- Any student under the age of 16 who is found to have brought to school a firearm, as that term is defined in 18 USC §921; or
- Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The 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. DISCIPLINARY RESPONSIBILITIES**

### **A. District Superintendent and Board Responsibilities**

The Superintendent and Board of Cooperative Educational Services have the following discipline responsibilities:

- To maintain a well-trained staff at all levels.
- To give full support to the staff charged with the responsibility for enforcing discipline in accordance with BOCES policies and New York State Law.

### **B. Administrator and Faculty Responsibilities**

The administrators and faculty have the following student discipline responsibilities:

- To communicate the student rules and discipline procedures to parents, pupils and the community.
- To support and enforce the student rules and discipline procedures in a fair and consistent manner.
- To protect the group and individual rights of pupils, parents, faculty, and community in all matters related to student behavior.
- To promptly notify parents of student problems relative to the student's discipline.
- To work towards an educational solution to all student discipline problems in an effort to prevent their occurrence and/or reoccurrence.
- To periodically review and evaluate student disciplinary rules and procedures as they relate to community and school goals.

### **C. Parent Responsibilities**

The parents or guardians have the following student discipline responsibilities.

- To be aware of the student rules and discipline procedures.
- To discuss and reinforce the student rules and discipline procedures with the pupil.
- To work with the BOCES administrators, faculty and pupils towards the solution of a student's behavior problems.
- To provide suggestions for the on-going development of the disciplinary rules and procedures at the Cayuga-Onondaga BOCES.
- To make sure your child's attendance at the BOCES is regular and punctual and that all absences are properly excused as required by New York State Law.
- To take financial responsibility for texts, tools, locks or any other BOCES equipment assigned to the student.



## **D. Student Responsibilities**

The student has the following student discipline responsibilities:

- To know the student behavior rules and discipline procedures.
- To exhibit reasonable conduct in accordance with the BOCES rules.
- To seek help in solving problems that might lead to disciplinary problems.
- To accept responsibility for one's actions.

## **XI. ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher, the Cayuga-Onondaga BOCES will provide continuing educational programming and activities for the student. When a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the Cayuga-Onondaga BOCES will take immediate steps to provide alternative means of instruction for the student. Given the nature of technical education alternative instruction in each curricular area may not be possible.

## **XII. CORPORAL PUNISHMENT AND ACTS OF RESTRAINT**

For the purposes of definition in this Policy, corporal punishment is considered to be any act of physical force upon a pupil for the purpose of punishing that pupil.

Corporal punishment should be distinguished from the act of reasonable physical force to protect oneself from injury, to protect another pupil or teacher or other person from physical injury, to protect the property of the BOCES or of others, or to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of BOCES functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts. Moments of permitted use of physical force or restraint include those situations which affect the immediate health or safety of students or staff or visitors, or the protection of public property from destructive mischief.

The Board of Cooperative Educational Services does not permit the use of corporal punishment on the campus as a behavior management technique.

The Board does, however, endorse the prudent and necessary use of physical restraint whenever and wherever such restraint is needed to maintain the safety and well being of staff or pupils.

By July 15 and January 15 of each year, the District superintendent of Schools shall file a report with the Commissioner of Education detailing each complaint about the use of corporal punishment, the results of the investigation of that complaint and the action, if any, taken in that particular case.

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

The Cayuga-Onondaga BOCES recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Cayuga-Onondaga BOCES is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable federal and state laws and regulations. This code of conduct, however, affords students with disabilities no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

#### **A. Definitions**

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

A **disciplinary change of placement** is a removal from the child’s current educational placement for more than ten consecutive school days in the course of a school year, or a series of removals that constitute a pattern, because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed and the proximity of the removals to each other.

An **illegal drug** means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority under the Controlled Substances Act or under any other provision of federal law. “Controlled substance” means a drug or other substance as defined under certain schedules of the Controlled Substances Act.

An **interim alternative educational setting or “IAES”** means a temporary educational placement for a period of up to 45 days, other than the student’s current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student’s current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

A **manifestation** means where the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or if the conduct was a direct result of the school district’s failure to implement the IEP.

A **removal** means a removal for disciplinary reasons from the student’s current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

A **serious bodily injury** shall mean a bodily injury that involves a substantial risk of death; extreme physical pain; protracted or obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

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

A **weapon** is defined as a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2 1/2 inches in length.

## **B. Suspensions or Removals**

Ordinarily, the discipline of students with disabilities will be initiated and conducted by officials at the student's home school district. The Cayuga-Onondaga BOCES, however, has not relinquished its right to suspend or remove a student with a disability from his or her current educational placement. Students with disabilities shall be afforded the same procedural protections set forth in Education Law §3214 as non-disabled students.

### **1. CSE Involvement**

The home school district's CSE shall be notified of any disciplinary action taken by or intended to be taken by the Cayuga-Onondaga BOCES if:

- The student is identified as a student with a disability;
- A referral is pending with the home school district's CSE; or
- The student is "deemed to be a student with a disability", which includes students in the following situations:
  - The parent has expressed concern in writing to school personnel that the student is in need of special education and related services (or orally if the parent cannot write or has a disability which prevents the parent from putting it in writing);
  - The behavior or performance of the student demonstrates the need for special education in accordance with the definition of "a student with a disability";
  - The child's teacher or other school district personnel has expressed concern about the behavior or performance of the student to the chairperson, a teacher, the principal, or other school personnel in accordance with the Child Find or CSE referral system.

### **2. Suspensions Up To 5 Days**

A Principal, the District Superintendent or the Board of Education may suspend a student from school for up to five (5) days, as long as the discipline imposed is consistent with the discipline imposed on non-disabled students under similar circumstances.

If a student with a disability is suspended from school, then the Principal, District Superintendent or Board of Education will be required to follow the procedures outlined in Article IX(B)(2)(a).

If it is determined that the suspension will not result in a disciplinary change of placement, then the suspension may be imposed without a manifestation determination.

- **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- If the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs and is placed in an IAES).
- If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non-disabled student.

### **3. Suspensions Over 5 Days**

If an out of school suspension of more than five (5) days is sought, a superintendent's hearing must be held in accordance with Education Law §3214(3)(c) and Article IX(B)(2)(b) of this code of conduct. If a superintendent's hearing will be held by the Cayuga-Onondaga BOCES, the home school district and its CSE should be notified immediately.

- **Notice Of Due Process Rights**

Parents are to be provided with written notice of their due process rights. Notice of procedural safeguards must be given not later than the day on which a decision to take disciplinary action which could result in a suspension of over ten (10) days is made. The notice must include a full explanation of procedural safeguards available, including those relating to procedures for students who are subject to placement in an interim alternative educational setting.

- **Disciplinary Change of Placement & CSE Involvement**

If it is determined that the suspension would result in a disciplinary change of placement, then the suspension may not be imposed until the home school district's CSE has conducted a manifestation determination. A manifestation determination must be scheduled immediately, but in no case later than 10 school days after the date on which a decision involving a disciplinary change of placement is made.

- If the CSE finds a manifestation, then no discipline may be imposed (unless the student is found guilty of possessing weapons or drugs, or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, and is placed in an IAES).
- If the CSE does not find a manifestation, then discipline may be imposed in a manner similar that imposed on a non-disabled student. The CSE should be notified of any disciplinary action which will be imposed so that it can meet within 10 days to develop/review the functional behavioral assessment and behavior intervention plan.
- If the suspension to be imposed will not result in a disciplinary change of placement, then a manifestation determination will not have to be conducted.

**4. IAES For Drugs/Weapons/Serious Bodily Injury**

If a student with a disability has been found guilty of possessing weapons or drugs, or inflicting a serious bodily injury upon another person while at school, on school premises, or at a school function under jurisdiction of a school district, then school personnel may order the student to be placed in an interim alternative educational setting ("IAES") for the same amount of time that a student without a disability would be subject to discipline, but not more than forty-five (45) days.

After a finding of guilt has been made at the superintendent's hearing, but prior to placing a student with a disability in an IAES, the CSE must conduct a manifestation determination. If the CSE determines that the student's behavior is a manifestation of his/her disability, the student may still be placed in an IAES if he/she was found guilty of possessing drugs or weapons.

The determination of the IAES must be made by the CSE.

## **5. IAES For Dangerous Students**

If the student is dangerous, the district may request an expedited hearing before an impartial hearing officer who can order that the student be placed in an IAES for up to forty-five (45) days.

If an IAES is sought from a hearing officer, the hearing officer must consider the following in making a placement:

- the appropriateness of the child’s current placement; and
- whether the school has made reasonable efforts to minimize the risk of harm in the child’s current placement, including the use of supplementary aids and services. 34 C.F.R. §300.521.

In order to place a student in a 45 day IAES, a hearing officer must determine:

- that the alternative educational setting meets the same requirements imposed upon the IEP Team in making such a placement;
- that the district has proven by substantial evidence (defined as “beyond a preponderance of the evidence”) that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

If the CSE determines that the student’s behavior is a manifestation of his/her disability, the student may still be placed in an IAES by the impartial hearing officer if the impartial hearing officer determines that maintaining the student in his/her current placement is substantially likely to result in injury to the student or others.

## **6. Alternative Instruction & FAPE**

The Principal must immediately arrange for “substantially equivalent” alternative instruction for any student under the compulsory school age who has been suspended from school.

If the suspension is less than ten (10) days, a free appropriate public education (“FAPE”) does not have to be provided. The right to a FAPE begins on the eleventh school day in a school year that the student is removed from his/her current educational placement. The FAPE provided to such students shall meet the same requirements as an IAES.

If a suspension results in more than 10 cumulative days of suspension, but does not result in a disciplinary change of placement, the principal (or other designated school administrator) in consultation with the student’s special education teacher, must arrange for services “to the extent necessary to enable the student:

- Progress appropriately in the general curriculum; and
- Appropriately advance toward achieving the goals in the student's IEP

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

The Cayuga-Onondaga BOCES is committed to providing an orderly, respectful environment that is conducive to learning. The maintenance of public order on school property is the responsibility of all members of the school community. Teachers, staff, students, and citizens must work together to facilitate the educational process. Students, employees of the BOCES, and visitors on school premises should at all times conduct themselves in a manner so as to reflect a proper respect for public property and the rights of others. 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 personnel.

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 for the purpose they are on school property. Staff and employees of the BOCES are expected to exemplify and reinforce the standards for appropriate student dress (Section VI of this Policy) and behavior.

Provisions regarding rules and procedures for visitations to school buildings are contained within this Board Policy Manual in the School Safety Plan.

##### **A. Prohibited Conduct**

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school property or the personal property of a teacher, administrator, other employee or any person lawfully on school property, including graffiti or arson.
- Disrupt the orderly conduct of classes, school programs or other school activities.
- Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- Wear any clothing or garment which is disruptive or interferes with the educational process or is not appropriate or safe for the school function or activity being attended.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- Obstruct the free movement of any person in any place to which this code applies.
- Violate the traffic laws, parking regulations or other restrictions on vehicles;

- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- Possess or use firearms or 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 Cayuga-Onondaga BOCES.
- Use any tobacco product on school grounds.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school officials performing their duties.
- Willfully incite others to commit any of the acts prohibited by this code.
- Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
- Engage in picketing and/or demonstrating which: interferes with entrances to buildings or the normal flow of pedestrian or vehicular traffic; interferes with organized meetings or other assemblies for the purpose of harassment; obstructs the privacy of administrative offices or the functioning of the physical plant.

## **B. Penalties**

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

- 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.
- Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- Trespassers are individuals with no specific license or invitation to be on school grounds and shall be subject to immediate ejection.
- 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.
- Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They 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.
- Staff members other than those described in subdivisions 4 and 5. 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 his or her designee shall be responsible for enforcing the conduct required by this code.



When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her 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.

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

## **XV. DISSEMINATION AND REVIEW**

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

The board will work to ensure that the community is aware of this code of conduct by:

- Providing copies of a summary of the code to all students at a general assembly held at the beginning of each school year.
- Making copies of the code available to all parents at the beginning of the school year.
- Mailing a summary of the code of conduct written in plain language to all parents of BOCES students before the beginning of the school year and making this summary available later upon request.
- Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
- Providing all new employees with a copy of the current code of conduct when they are first hired.
- Making copies of the code available for review by students, parents and other community members.

The board will sponsor an in-service education program for all staff members to ensure the effective implementation of the code of conduct. The superintendent may solicit the recommendations of the staff, particularly teachers and administrators, regarding in service programs pertaining to the management and discipline of students.

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

The board may appoint an advisory committee to assist in reviewing the code and the response to code of conduct violations. The committee will be made up of representatives

of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, 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.

## **XVI. EFFECTIVE DATE AND STATUTORY AUTHORIZATION**

This policy shall become effective on July 1, 2012.

Education Law §2801; Education Law §3214; Education Law Article 89; Education Law §801-a; Part 100 of the Commissioner's Regulations; Part 200 of the Commissioner's Regulations; Part 201 of the Commissioner's Regulations; 20 U.S.C. §1415; 34 C.F.R. Part 300.