

PREAMBLE

The Southern Westchester BOCES is committed to maintaining high standards of education for students and promoting safety, social and educational growth of students. We firmly believe that through respect and commitment to an orderly educational environment, our goals to establish a successful community in education can be attained.

Through a multi-disciplinary, representative committee, SW BOCES has developed this "Code of Conduct" in response to the New York State School Against Violence in Education Act (Project SAVE) and revised it to align with the Dignity for All Students Act ("Dignity Act"). The Board of Education reserves the right to review and revise the Code and related regulations as necessary.

The Code of Conduct governs the conduct of students, teachers, other school personnel, and visitors by establishing behavioral expectations, responses and consequences when these expectations are not met. This Code provides a legal and procedural framework for supporting a civil, safe school climate and guides decisions regarding inappropriate behavior or misconduct. It was developed with consideration of the needs of all students served by SW BOCES. The Code is in effect at all times on school grounds, in school buildings, with no time or date limitations, and at all sites and functions that are school-related. All persons on school grounds or in attendance at school-related activities are expected to abide by the guidelines laid out in this Code. Definitions of terms follow the Code.

Introduction

A positive, orderly educational environment requires that everyone in the school community play a role. This also requires the development and implementation of a code of discipline that clearly defines individual responsibilities, describes unacceptable behaviors and provides for appropriate responses and consequences. Order and discipline must be a shared responsibility between school, home and community. Therefore, in accordance with Project SAVE, the Dignity for All Students Act and Education Law, this Code of Conduct was developed in collaboration with student, teacher, administrator and parent organizations, school safety personnel and others.

Every student has the right to learn and the right to be free from harassment, fear or intimidation. No student shall be subjected to discrimination and/or harassment by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

The Code of Conduct applies to all students, school personnel and visitors on school property and grounds; at school-related events, activities and functions; during a school sponsored trip; on school transportation; and at all school sponsored programs whether off-site or onsite.

STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

Education in a free society demands that students be aware of their rights and learn to exercise them responsibly. To this end, students have a right:

- to learn in an environment free from interruption, harassment, discrimination, intimidation and fear;
- to participate in district activities on an equal basis regardless of weight, race, color, creed, national origin, ethnic group, religion, religious practice, disability, gender, sex or sexual orientation;
- to be informed of school rules;
- to be guided by a discipline policy which is fairly and consistently implemented;
- to be free from harassment by employees or students on school property or at school functions and events;
- to be free from discrimination by employees or students on school property or at school functions based upon his/her actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

Students attend school so that they may develop to their fullest potential. With this in mind, each student is expected:

- to attend school on a regular and punctual basis ;
- to obey school regulations and rules made by school authorities ;
- to accept responsibility of his/her actions, to the best of his/her ability;
- to respect the rights of others, including his/her right to secure an education in an environment that is orderly and disciplined;
- to complete class assignments and other school responsibilities by established deadlines;
- to respect school property help to keep it free from damage;
- to contribute toward establishing and maintaining an atmosphere that generates mutual respect and dignity for all;
- to not engage in harassment on school property or at school functions, activities or events at any time;
- to not engage in discrimination on school property or at school functions based upon another person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

THE ROLE OF PARENTS

A cooperative relationship between home and school is essential to each student's successful development and achievements. Parents are essential partners in setting and maintaining a positive school climate that supports learning and respect for others.

All parents are encouraged to

- send their children to school ready to participate and learn
- ensure their children attend school regularly and on time
- attend school conferences and functions
- provide emergency contact information
- have their children dressed in a safe and appropriate manner for the specific program of enrollment
- discuss this Code of Conduct with their children

- discuss with their children the importance of mutual respect and dignity for their peers regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex

Parents should be aware that they are responsible for any financial obligations incurred by their children in school. This includes lost books, damage to property, etc.

THE ROLE OF SCHOOL PERSONNEL

School personnel play an important role in the education of students and maintaining order and safety in the school. In view of this responsibility, school personnel must:

- promote and maintain a positive climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- implement the Code of Conduct as the basis for behavioral expectations
- treat students in an ethical, equal and responsible manner free of harassment and/or discrimination
- help students to reach their maximum potential
- report violations of the Code of Conduct to the Director or Supervisor immediately or as soon as possible, within 24 hours
- immediately report and refer violent students to the Director and/or Supervisor and/or Designee
- note and confront issues of discrimination and harassment and report incidents of discrimination and harassment that are witnessed or otherwise brought to an employee's attention to the Director and/or Supervisor immediately or as soon as possible, within 24 hours

THE ROLE OF VISITORS

The Board encourages parents and other community members to attend school functions, events and activities. Authorized visitors may be on campus at other times for other reasons, as well. However, as schools are a place of learning and work, visitors are required to check in at the main office upon arrival.

Parents who wish to meet with a teacher or administrator must arrange a specific time. All visitors are required to abide by the rules for conduct on school property and at all school functions at all times (Board Policy 2410). Administrators and school safety personnel are authorized to maintain order and may request any visitor to leave campus in case of disruption or disorderly conduct (see section entitled: Public Conduct on School Property).

THE ROLE OF THE BOARD OF EDUCATION

The SW BOCES Board of Education is committed to a positive, healthy and safe learning environment. The Board expects all students to conduct themselves in an appropriate and civil manner, with mutual respect and dignity and consideration for the rights and property of others.

The District maintains that it can discipline students for conduct that affects the health and safety of others in school or at school functions, or causes a material or substantial disruption or threat, even if the conduct takes place off school grounds. This includes any expression or

speech that would foreseeably create a risk of substantial disruption within the school environment.

Students may be subject to correction, educational actions, intervention and/or disciplinary action, up to and including suspension from school, when they engage in inappropriate, dangerous or illegal conduct.

Southern Westchester BOCES Activities

SW BOCES activities, such as field trips and other activities outside the building itself, are considered an extension of the school program. All rules and Codes are in effect regardless of the site or location.

A student who is ineligible to attend a Home District school on a given day may also be ineligible to attend SW BOCES classes. The decision rests with the Superintendent or designee.

Student Conduct

In order to create and maintain a positive learning environment for all students, SW BOCES believes that certain remedies and procedures which focus on intervention and education should be utilized to address discrimination and/or harassment of students by other students, or of students by employees. Such remedial measures are designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act(s).

School personnel are authorized to recommend and provide, for example:

- Peer support groups;
- Corrective instruction and/or other relevant learning or service experiences
- Supportive interventions
- Student counseling;
- Parent conferences

There are four levels of Student Conduct governed by this Code of Conduct:

Level I: Conduct that is Insubordinate/Inappropriate Conduct

Level II: Conduct that is Disorderly/Disruptive

Level III: Conduct that Endangers the Morals, Health and Welfare of Students and Staff

Level IV: Conduct that is Violent/Dangerous

School staff responses to address and correct inappropriate behavior may be progressively more serious as deemed necessary by school officials. **Examples of responses include but are not limited to:**

- Verbal intervention
- Warning
- Classroom management such as change of seat, assignment, etc.
- Parent notification/parent conference
- Referral to pupil support (counselors, guidance, etc.) in coordination with parent and home District
- Behavior contract/growth plan (as applicable, if approved and indicated by specific assessment procedures)
- Investigation and report

- Removal from classroom or program (where allowed by Education law and other statutes)
- Loss of privileges
- Exclusion from extracurricular activities
- Transportation privileges suspended (where allowed by Education law and other statutes)
- Administrative notification/intervention if necessary
- Suspension (per BOCES Policy 6212)

The levels listed below are examples and not all inclusive. The lists are **NOT** intended to be an exhaustive list of conduct, interventions or disciplinary responses.

Prohibited Student Conduct

The following are examples of the Code of Conduct behavioral expectations for all SW BOCES students. Each level of Conduct includes examples but is not limited to those printed within the table. Responses by the school are samples, not intended to be all inclusive. Other school responses can and will be utilized as appropriate.

Level 1: Insubordinate/Inappropriate Conduct	School Staff Responses
<p>Level 1 infractions may occur anywhere in the school or on school grounds, including busses, classrooms, cafeteria, library, hallways, auditorium, on school grounds or at any school function at any site. Can be addressed by teachers and any other school personnel.</p> <ol style="list-style-type: none">1. Students must comply with reasonable directions of teachers, administrators or other school employees in charge of students.2. Students must comply with school, classroom rules.3. Students may not demonstrate disrespect to school staff.4. Students must identify self to staff member upon request.5. Students may not miss or leave school or any class without permission.6. Students may not leave classrooms or other assigned areas without a pass or permission.7. No gambling or playing games of chance for money or valuables.8. No running in hallways, stairways or school buildings.9. No trespassing; students are not permitted in any building, other than the one they attend, without permission.10. No trespassing on school grounds when under suspension or expulsion.11. Possession, display and/or usage of electronic/digital devices such as cell phones, iPods, iPads, tablets, mp3/music players, iTouch, etc. is only allowed for educational purposes as directed by a teacher or staff member during the school day. They may not be used for other purposes during the school day and must be turned off as requested by staff or administrators.12. Absence or lateness without excuse is prohibited.	<p>Staff responses to inappropriate behavior may include the following examples which are not an inclusive, simply examples:</p> <ul style="list-style-type: none">• Verbal intervention• Classroom management• Other appropriate actions designed by the school to address the infraction• Progressively more serious responses for continuing inappropriate behavior• Parent notification/parent conference• Referral through home district to pupil support (counselors, guidance, etc.)• Investigation and report• Administrative intervention if necessary• Out of school suspension <p>These are samples of the range of school responses to inappropriate behavior. SW BOCES supervisors and staff may use discretion and educational expertise when responding to inappropriate student behaviors/conduct.</p>

The following are examples of the Code of Conduct behavioral expectations for all SW BOCES students. Each level of Conduct includes examples but is not limited to those printed within the table. Responses by the school are samples, not intended to be all inclusive. Other school responses can and will be utilized as appropriate.

Level II: Disorderly/Disruptive Conduct	School Staff Responses
<p>Level II includes infraction of a more serious nature or a continuance of Level I misconduct. This can include student acts that interfere with orderly educational process in the classroom or in the school or any behavior that interferes with the learning process.</p> <p>The following are just a few examples of unacceptable behaviors in school, on school grounds, at school-related functions, including school athletic events at all sites and offsite. <u>Note that unacceptable behaviors are not limited to these examples.</u></p> <ol style="list-style-type: none"> 1. Language, writing, photos or gestures that is or appears profane, lewd, vulgar, harassing or abusive. 2. Indecent exposure 3. Noise or producing noise levels that disrupt the education of students (except medical disability). 4. Unacceptable use of computers, cell phones, digital devices or other electronic communication devices. ALL electronics and digital devices are subject to the BOCES Acceptable Use policy. 5. Student clothing/dress may not interfere with the educational process. The following are not appropriate: see-through, plunging necklines front/back, tube tops, net tops, halter tops, spaghetti straps. Underwear must be covered with outer clothing. No hats, no bandanas or head cover in classroom (except medical/religious) other than required by the teacher/program. 6. All students must wear clothing/protective equipment as appropriate for trade/technical purposes. 7. Clothing and personal items cannot depict or promote alcohol, tobacco, illegal drugs; cannot depict or encourage gang activities or other illegal/violent activities. Clothing and other personal items cannot be vulgar, obscene, libelous or denigrating to others. Clothing and personal items cannot interfere with the educational process. 	<p>SW BOCES staff responses shall align with Education Law, Federal Law and other regulations.</p> <p>Staff responses to inappropriate behavior may include the following examples which are not an inclusive, simply examples:</p> <ul style="list-style-type: none"> • Classroom management • Verbal correction • Teacher removal of student from classroom (as Law allows) • Removal from classroom or shop classroom (as Law allows) • Written referral to administrator • Student/teacher conference • Phone contact with parent • Written notification to parent/guardian • Parent conference • Behavior contract/growth plan • Investigation and report • Loss of computer privileges • Loss of privileges such as parking • Referral to pupil support (counselors, guidance, etc.) • Transportation privileges suspended • Out of school suspension <p>These are samples of the range of school responses to inappropriate behavior. SW BOCES supervisors and staff may use discretion and educational expertise when responding to inappropriate student behaviors/conduct.</p>

The following are examples of the Code of Conduct behavioral expectations for all SW BOCES students. Each level of Conduct includes examples but is not limited to those printed within the table. Responses by the school are samples, not intended to be all inclusive. Other school responses can and will be utilized as appropriate.

Level III: Conduct that Endangers the Morals, Health, Safety and Welfare of Students/Staff	Disciplinary Responses
<p>Infractions in Level III are very serious and substantially interfere with the educational environment. The following are unacceptable behaviors in school, on school grounds, at school-related functions, including school athletic events at all sites. The following examples are illustrative only, not a fully comprehensive list. <u>Note that unacceptable behaviors are not limited to these examples.</u></p> <ol style="list-style-type: none"> 1. Any behavior that creates a hostile environment by conduct, with or without physical contact and/or by 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 or her physical safety. 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 practices, disability, sexual orientation, gender, or sex 2. Cheating, plagiarism 3. Discrimination 4. Harassment/bullying 5. Sexual harassment 6. Intimidation / menacing 7. Hazing 8. Fighting/physical contact 9. Selling, using or possessing obscene material 10. Stealing property or possessions of students, school personnel or other person on school property 11. Defamation (includes making false representations about a person or group of persons that harm their reputation or demean the group.) 12. Cyber bullying through electronic/digital means such as cell phone, computer, other devices 13. Taking pictures and/or transmitting photos/graphics or representations of any unclothed or partially clothed person 14. Taking any picture of another person for the purpose of ridiculing, taunting or upsetting the other person 15. Use of any tobacco product, including cigarettes, cigar, "blunt", pipe, snuff, chewing or other smokeless tobacco; nicotine 	<p>Responses to conduct that endangers the morals, health, safety and welfare may include some of the following, as necessary, but this list is NOT all inclusive.</p> <p>SW BOCES staff responses shall align with Education Law, Federal Law and other regulations.</p> <ul style="list-style-type: none"> • Referral to administrator , written report • Contact with parent (by phone, electronic or other means) • Conference with administrator, student, parent and teacher • Investigation and report • Home school consultation regarding counseling and referral to resources • Loss of privileges • Referral to pupil support • Police notification • Out-of-school suspension for 1-5 school days per occurrence • Superintendent's hearing for repeat offenses <p>These are samples of the range of school responses to inappropriate behavior.</p>

delivery devices/electronic cigarettes

16. Possessing, consuming, selling, distributing or exchanging beverage with alcoholic content or being under the influence of any alcoholic beverage
17. Possessing, consuming, selling, distributing or exchanging any illicit or prohibited substance that can include, but is not limited to, inhalants, marijuana, synthetic marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, designer drugs, look-alike drugs, and other substances as defined by NYS law, or being under the influence of any illicit or prohibited substance
18. Possessing, consuming, selling, distributing or exchanging any prescription medication except as provided by district medication policy
19. Students may not push, shove, fight, make excessive noise, distract or interfere with the driver or safe operation of school transportation
20. Damaging or destroying school property or personal property of another person is not allowed, including graffiti or arson.
21. Gang-related activities or any criminal activity
22. False alarms or false reports of fire, bombs, or other; misuse of 911 or discharging fire extinguisher
23. Students may not be passengers in other students' cars without administrative permission and required documentation
24. Other behaviors that endanger the health, welfare, safety and morals of students and/or staff not listed herein.

The following are examples of the Code of Conduct behavioral expectations for all SW BOCES students. Each level of Conduct includes examples but is not limited to those printed within the table. Responses by the school are samples, not intended to be all inclusive. Other school responses can and will be utilized as appropriate.

Level IV: Violent/Dangerous Conduct	Disciplinary Responses
<p>Level IV infractions will not be tolerated and call for the most serious disciplinary procedures. This requires immediate removal from schools or school events and notification to police.</p> <p>The following examples are used as examples. This is not a fully comprehensive list, just a sampling.</p> <p>Prohibited behaviors in school, on school grounds, at school-related functions include the following examples but are not limited to these samples:</p> <ol style="list-style-type: none"> 1. Possession of a weapon or weapons or display of what appears to be a weapon or threats to use a weapon. 2. Students may not commit an act of violence upon another student, staff member, school employee or other person lawfully on school property. Includes hitting, kicking, punching, scratching, etc. – Assault-- 3. It is illegal for students to possess, use or threaten to use a rifle, pistol, handgun, shotgun, air gun (including BB guns), spring gun, or other firearm (even with valid New York State firearm permit.) 4. Students may not possess, use or threaten to use nunchacku (or karate sticks), stun gun, switch blade knife, gravity knife, dagger, billy club, blackjack, or metal knuckles, or similar devices or instruments 5. Students may not possess, use or threaten to use an explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death 	<p>Staff responses to inappropriate behavior may include the following examples which are not all inclusive, simply examples:</p> <ul style="list-style-type: none"> • Parent notification required • Referral to administrator and written report • Notify District Superintendent or designee • Notify Superintendent of home school • Required conference with parent, student, administrator • Investigation and report • Exclusion from extracurricular activities • Notify police • Out-of-school suspension • Superintendent's hearing in home district <p>SW BOCES staff responses must align with Education Law, Federal Law and other regulations.</p>

Procedures for Responding to Code Violations and Acts of Discrimination or Harassment

Instances or incidents of violations of this Code of Conduct by students, staff, visitors or others shall be reported to the Administrator in charge or Supervisor in charge. Written reports must be filed as per building protocol, usually within 1-2 days.

Staff, employees and the Board of SW BOCES consider discrimination and/or harassment unacceptable acts and behaviors. Provisions for responding to acts of discrimination or harassment against students by employees or students on school property or at a school function are included herein as part of Level III misconduct, considered serious violations of this Code. Board policy 2420 specifies SW BOCES policies regarding harassment and discrimination.

Per the provisions of Dignity for All Students Act, all staff is instructed in procedures to respond and intervene in incidents of harassment and discrimination if witnessed, and to report such behaviors when they are disclosed by others. The Civil Rights Compliance Officer is specially trained to investigate and document these incidents, making recommendations as to disposition of each incident. All staff has been trained in their responsibilities as Mandated Reporters and shall follow the proscribed procedures for such reporting.

Where behaviors and situations indicate a need for intervention, Supervisors can consult with the Home district and parent and can refer students to BOCES resources, where available, or for services through the home district as necessary. Administrators, social workers and counselors at the Home district may refer parents and students to outside human service agencies.

Written notices, where needed, shall be sent to the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

Student Searches and Interrogation

A student may be searched on school grounds or in a school building by a school administrator only when the administrator has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal. Board Policy 6230: Searches and Interrogations details circumstances and procedures that govern searches and interrogations. [A reasonable suspicion exists when a reasonable person under the circumstances, would, based upon specific and articulable facts, suspect that a crime has been committed.— Cornell University Law School.]

Rooms, desks, cubbies, cabinets, lockers, computers and/or other school storage places are provided by SW BOCES for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private. SW BOCES has the right to search all school property and equipment without prior notice, including SW BOCES computers (Board Policy 6440), rooms, desks, cabinets, lockers and/or other storage places.

School personnel have the right to question students regarding any violations of school rules and/or illegal activity. The questioning of students by school personnel does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school personnel does not negate the

right/responsibility of school personnel to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School personnel acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school personnel has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

Law enforcement officials may be contacted by the Building Administrator, Supervisor or Principal in connection with alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They also may be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Police authorities may question students for general investigations, general questions regarding crimes committed on school property. Questioning of a student by police should take place in private and in the presence of an Administrator/Supervisor/designee.

Unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Student Searches

A student or a student's belongings may be searched on school grounds or in a school building by a school administrator only when the administrator has reasonable suspicion to believe the search will turn up evidenced that a law or school rule has been violated.

In addition, before conducting this search, the school official must consider the nature of the alleged violation, the nature of the suspected evidence/contraband, the student's age, the student's record and the need for such a search.

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

At no time shall any school employee or administrator conduct a strip search of a student. A strip search includes requesting a student to remove any or all of his or her clothing, other than an outer coat or jacket or footwear.

Police Involvement in Interrogations and Searches

Police officials have authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work in accordance with New York State and Federal Law. Where possible, police will confer with school officials before exercising such authority. Except in an emergency, police officials will not question or search any student on school grounds without the permission of the parents or guardians.

Child Protective Services Investigations

Consistent with SW BOCES' commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school

property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

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

A child protective services worker, peace officer, police officer, or law enforcement official may not remove a student from school property without a court order, and without prior consent of the parent/guardian unless that person reasonably believes that the student cannot return to, and continue in, the student's place of residence or the care/custody/control of the student's parent/guardian due to threat of, or imminent danger to, the child's life or health if he or she were not removed from school before a court order can reasonably be obtained. If that person believes the student would be subject to danger or abuse, the worker may remove the student without a court order and without the parent's consent.

SW BOCES does not handle PINS petitions and/or referrals for juvenile delinquency proceedings. PINS petitions and/or referrals for juvenile delinquency proceedings are handled by a student's Home District.

Student Discipline

SW BOCES' administrators/designee shall at all times act in a manner that protects and guarantees the rights of students and parents.

Certain acts of misconduct interfere with instruction and/or the safety and welfare of students and staff. Staff will first try to deal with misconduct using classroom/behavioral management skills. Administrators shall be consulted as necessary.

In some cases, generally related to classified students, staff must discuss specific incidents/behaviors and consequences with Supervisor or Director due to legal restrictions and the relationship between SW BOCES and the Home District.

Suspension from School

Suspension from school is a severe consequence which may be imposed upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of self or others or otherwise violates the school code of conduct. (See Board Policy 6212 for details)

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the Building Administrator/Supervisor for a short term suspension or the Home school district for a long-term suspension. However, all legal and due process rights shall be followed, including parental notification.

All recommendations and referrals shall be made in writing within 48 hours unless the conditions warrant immediate attention or constitute an emergency. Procedures for suspension may be coordinated with the Home district.

All students who are under suspension in their home school district shall not be permitted to attend SW BOCES during the time of their home school district suspension, unless authorized by both SW BOCES and the home school district. Administrators of the home districts are requested to inform SW BOCES of student suspensions.

All staff members must immediately report and refer a violent student to the Building Administrator for violation of the Code of Conduct and immediately inform the Director's office of such incident. Administrators/designees have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions.

Minimum Periods of Suspension

Pursuant to law, Commissioner's Regulations and the *BOCES' Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations and Education Law:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a firearm to school or possessed a firearm on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.
- b) Five (5) days is the minimum suspension period for acts that would qualify the student to be defined as a **violent** student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. A violent student is one who displays, possesses or threatens using what appears to be a weapon. Directors are expected follow all rules and procedures regarding classified students.

Less Than Five (5) School Days

The Superintendent and/or the Building Administrator of the school where the student attends shall have the power to suspend a student for period not to exceed five (5) school days. Any proposed suspension must be considered in relation to the individual student's classification, prior incidents, age, and any other relevant factors relating to discipline.

When the Superintendent or the Building Administrator (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for a period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, electronic mail or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided electronically or by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the Building Administrator in accordance with the

provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior** to suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

All staff shall immediately report or refer a violent student to the Building Administrator for a violation of the *Code of Conduct*. A violent student is one who displays, possesses or threatens using what appears to be a weapon.

More Than Five (5) School Days

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have an opportunity for a fair hearing. Due process rights shall apply to classified and non-classified students. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf. Board Policy 6212 details suspension policies.

Where the basis for the suspension is, in whole or in part, the possession by the student, on school grounds or school property or at a school function, of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments, devices or appliances specified in Penal Law Section 265.01 or listed in the Code of Conduct Level IV table, the hearing officer or District Superintendent shall not be barred from considering the admissibility of such weapon, instrument, device or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

Suspension of Students with Disabilities

Generally, should a student with a disability exhibit conduct that is not in accordance with the Code of Conduct or established rules of the schools, disciplinary action shall be in conjunction with applicable law and the determination of the Home District's Committee on Special Education (CSE). Superintendent of the Home District or designee shall be responsible for assuring due process at all times.

For suspensions or removals up to ten (10) school days in a school year that do not constitute a disciplinary change in placement, students with disabilities must be provided with alternative instruction or services on the same basis as non-disabled students of the same age.

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern, a manifestation determination must be made. The District determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

Manifestation Determinations

A review of the relationship between the student's disability and the behavior subject to disciplinary action to determine if the conduct is a manifestation of the disability must be made by a manifestation team at the Home District immediately, if possible, but in no case later than ten (10) school days after a decision is made:

- a) By the Superintendent to change the placement to an interim alternative educational setting (IAES);
- b) By an Impartial Hearing Officer (IHO) to place the student in an IAES; or
- c) By the Superintendent to impose a suspension that constitutes a disciplinary change of placement.

The manifestation team shall include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. The parent must receive written notice prior to the meeting to ensure that the parent has an opportunity to attend. This notice must include the purpose of the meeting, the names of those expected to attend and notice of the parent's right to have relevant members of the CSE participate at the parent's request.

The manifestation team shall review all relevant information in the student's file including the student's individualized education program (IEP), evaluations, outside reports, teacher observations, other data, and any relevant information provided by the parents to determine if: the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or the conduct in question was the direct result of the District's failure to implement the IEP. If the team determines the conduct in question was the direct result of failure to implement the IEP, the District must take immediate steps to remedy those deficiencies.

Finding of Manifestation

If it is determined, as a result of this review, that the student's behavior is a manifestation of his/her disability the CSE shall conduct a functional behavioral assessment, if one has not yet been conducted, and implement a behavioral intervention plan or review and modify an existing behavioral intervention plan.

Functional behavioral assessment (FBA) means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment. FBA must be developed consistent with the requirements of Commissioner's Regulations Section 200.22(a) and shall include, but not be limited to, the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior (including cognitive and affective factors) and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

Behavioral intervention plan (BIP) means a plan that is based on the results of a functional behavioral assessment and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs and intervention strategies that include positive behavioral supports and services to address the behavior.

Unless the change in placement was due to behavior involving serious bodily injury, weapons, illegal drugs or controlled substances, the student must be returned to the placement

from which the student was removed unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

No Finding of Manifestation

If it is determined that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration for which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the Home District's obligation to provide a free, appropriate public education to such student.

Provision of Services Regardless of the Manifestation Determination

Regardless of the manifestation determination, students with a disability shall be provided the services necessary for them to continue to participate in the general education curriculum and progress toward meeting the goals set out in their IEP. They must also receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so it does not recur.

For subsequent suspensions or removals for ten (10) consecutive school days or less that in the aggregate total more than ten (10) school days in a school year but do not constitute a disciplinary change of placement school personnel from the home school, in consultation with at least one of the student's teachers, will determine the extent to which services are needed;

For suspensions or other disciplinary removals in excess of ten (10) school days in a school year which do constitute a disciplinary change in placement, the IAES and services will be determined by the Home District's CSE.

Interim Alternative Educational Setting (IAES)

The Home District's Board of Education, Superintendent or a Building Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five (5) consecutive school days. The Superintendent of the Home School, either directly or upon the recommendation of a Hearing Officer designated to conduct a Superintendent's hearing, may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten (10) consecutive days where the Superintendent determines, after a hearing that the student has engaged in behavior that warrants a suspension. An IAES is a temporary educational setting other than the student's current placement at the time the behavior precipitating the IAES placement occurred.

There are three (3) specific instances when the Superintendent may order a student with a disability to be placed in an IAES for up to forty-five (45) school days without regard to a manifestation determination:

- a) Where the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the District or SW BOCES; or
- b) Where a student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the District or SW BOCES; or
- c) Where a student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the

District or SW BOCES. Serious bodily harm has been defined in law to refer to one of the following:

1. Substantial risk of death;
2. Extreme physical pain; or
3. Protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

The CSE shall determine the appropriate IAES for a student with disabilities.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Additionally, an Impartial Hearing Officer in an expedited due process hearing may order a change in placement of a student with a disability to an appropriate IAES for up to forty-five (45) school days if the Impartial Hearing Officer determines that maintaining the current placement is substantially likely to result in injury to the students or others. The Impartial Hearing Officer must also consider the appropriateness of the student's current placement, whether SW BOCES has taken steps to minimize the risk of harm in the child's current placement, and determine whether the proposed IAES will provide the student the required level of services.

In all cases, the student placed in an IAES shall:

- a) Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards the goals set out in the student's IEP, and
- b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The period of suspension or removal may not exceed the amount of time a non-disabled student would be suspended for the same behavior.

Exhaustion of Administrative Remedies

If a parent/person in parental relation wishes to appeal the decision to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education of the Home District within 30 days of receiving such decision prior to commencing an appeal to the Commissioner of Education.

Procedure After Suspension

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

When a student has been suspended, the suspension may be revoked by the Board whenever it appears to be for the best interest of the school and the student to do so. The Board may also condition a student's early return to school and suspension revocation on the student's voluntary participation in counseling or specialized classes, including anger management or dispute resolution, where applicable.

Public Conduct on School Property

Visitors/Parents

The Board encourages parents and members of the public to visit SW BOCES' schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her 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 main office upon arrival at the school. There 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 main office before leaving.
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 their child's 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.
5. Visitors who wish to observe a classroom are required to arrange such a visit in advance with the building administrator. These visits are at the discretion of the building administrator and must not disrupt the teaching and learning in the classroom.
6. Teachers are expected not to take class time to discuss individual matters with visitors.
7. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
8. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

Public

SW BOCES is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on 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 but not limited to students, teachers and school personnel, parents, and community members.

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

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.

Prohibited Conduct

No person, either alone or with others, shall:

- Intentionally injure any person or threaten to do so.
- Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district 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, obstruct the rights of others, or are disruptive to the school program.
- Intimidate, harass or discriminate against any person on the basis of race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender, sex, 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, without authorization.
- 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 or transportation.
- Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, illegal substances or be under the influence of such substances/beverages on school property or at a school function at any site at any time.
- 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 school district.
- Loiter on or about school property.
- Gamble on school property or at school functions.
- Refuse to comply with any reasonable order of identifiable school district 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 at any site at any time.

Penalties

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

- Visitors will have their authorization, if any, to remain on school property or at a school function withdrawn, and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. The police may be called if the situation warrants.
- Students shall be subject to disciplinary action in accordance with this Code of Conduct and in accordance with State and Federal law.
- Certified faculty members shall be subject to disciplinary action as the facts may warrant in accordance with Education Law and the current collective bargaining agreement(s).
- Classified civil service staff members shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law and the current collective bargaining agreement.

- Staff members, other than those described above, shall be subject to a warning, reprimand, suspension, or dismissal as the facts may warrant in accordance with any legal rights they may have.

In addition, the district reserves its rights to pursue civil or criminal action against any person violating the Code of Conduct.

Enforcement

The Building Administrator/Supervisor or his or her designee, the District Superintendent and other district administrators and staff members shall be responsible for enforcing the conduct required by this code.

When a building Administrator or 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, 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 District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above.

Dissemination, Review and Training

In compliance with the Dignity Act, all staff shall be provided with the SW BOCES' Code of Conduct and a summary of the Code prepared for, and provided to, students/families. Specifically, SW BOCES shall:

1. Provide copies of a summary of the Code, in an age-appropriate version, written in plain-language, to all students at the beginning of each school year.
2. Make copies of the Code available to all parents at the beginning of the school year.
3. Mail a summary of the Code written in plain language to all parents of district students before the beginning of the school year.
4. Make a summary of the Code of Conduct, written in plain language, available upon request.
5. Provide 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 practical after adoptions.
6. Provide all new employees with a copy of the current Code when they are first hired.
7. Make copies of the Code available for review by students, parents and other community members.
8. Post the Code on the SW BOCES website.

All staff shall be instructed in their roles and responsibilities to uphold and implement the Code of Conduct and shall be supervised by Administration. The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The District 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 purpose of this in-service education is to promote a safe and supportive school climate while discouraging, among other things, discrimination and/or harassment against students by students and/or school employees and to guide school personnel on the inclusion of safe and supportive school climate concepts in the curriculum and classroom management.

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.

SW BOCES Acceptable Use Policy: TECHNOLOGY AND THE INTERNET: STUDENTS

The following Policy must be agreed to by the students and his/her parent, person in parental relation or legal guardian before access will be provided to SWBOCES computer and Internet facilities. Use of such facilities after receipt of this Policy is deemed to constitute agreement.

Introduction

SW BOCES furnishes computers and provides access to the Internet in order to support learning and enhance instruction. By providing access to the Internet, a vast information highway connecting thousands of computers all over the world, SW BOCES intends to promote educational excellence and to prepare students for an increasingly technological world. This use should facilitate resource sharing, research, innovation and communication.

However, SW BOCES also recognizes that with this access comes the availability of material which is unrelated to scholarship, and which in many instances is inappropriate for places of learning, and is inappropriate for young people in particular.

For this reason, some resources such as e-mail and discussion groups are only to be used under direct supervision by faculty, and will be limited to teacher-directed projects. In addition, SW BOCES has taken precautions to restrict access to questionable materials, but students and parents need to know that it is impossible to control all materials.

Much of the responsibility for appropriate use of the Internet must rest on students themselves. Therefore, SW BOCES requires that students act responsibly by reading and following the policies outlined below.

In compliance with the Children's Internet Protection Act, SW BOCES has taken precautions to restrict access to questionable materials, but students and parents need to know that it is impossible to control all materials. BOCES' course of instruction regarding technology/digital equipment will include safety, cyber-citizenship, and appropriate digital behavior.

Parents and students must understand if procedures and policies are not followed for the use of technology, students may lose access privileges and there may be consequences.

Applicability and General Principles

These policies apply to all students who gain access to the Internet via computer equipment and/or access lines located in SW BOCES. This includes any remote access which students may gain from off-site, but which involves the use of SW BOCES sites, servers, intranet facilities, e-mail accounts or software.

All access to and use of the Internet must be for the purposes of education and research consistent with the educational goals of SW BOCES. Students must make efficient, ethical and legal utilization of network resources. Students must be aware that material created, stored on, or transmitted from or via the system is not guaranteed to be private. In addition to the fact that the Internet is inherently insecure, SW BOCES network administrators may review the system at any time to ensure that the system is being used properly. For this reason, students should expect that e-mails, materials placed on personal Web pages, and other work that is created on the SW

BOCES network or using SW BOCES equipment may be viewed by a third party and is subject to this policy.

External access will be provided to authorized users by the assignment of unique log-in identification codes ("usernames" and passwords) and, where appropriate, with limited hard disk space on SW BOCES hardware, for their own individual use. Authorized users will be personally responsible for maintaining the integrity of the SW BOCES access policy, and may not permit other persons to use their usernames, passwords, accounts or disk space, or disclose their usernames, passwords or account information to any third party.

Usernames and passwords will be furnished subject to the provisions of this Policy, and such updates or modifications as may hereafter be promulgated.

Users must respect the integrity and security of the SW BOCES systems and network, and the access rights, privacy and reasonable preferences of other users. The SW BOCES reserves the right to limit access time and disk space in order to optimize an equitable allocation of resources among users.

The SW BOCES makes no warranties of any kind, whether express or implied, for the service it is providing. It is not responsible for any damages, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions, whether caused by the SW BOCES negligence, or by a user's errors or omissions. Information obtained from the Internet is used at the user's (student's) own risk, and the SW BOCES specifically disclaims any responsibility for the accuracy or quality of information obtained by students via access provided by or through the SW BOCES.

The following policies are intentionally broad in scope and, therefore, may include references to resources, technology and uses not yet available.

Rules of Conduct and Compliance

This Acceptable Use Policy is part of the SW BOCES Code of Conduct, and the responses and consequences set out in the Code of Conduct will apply if a student acts in violation of this Acceptable Use Policy.

Students who violate this Acceptable Use Policy may have their access rights suspended or revoked by the network administrator in accordance with applicable due process rights. In addition, because the SW BOCES information networks and systems are used as part of the educational program, the Southern Westchester BOCES Code of Conduct also applies to any and all network activities.

Except as otherwise indicated below, all policies and prohibitions regarding users of the network also apply to users of individual SW BOCES computers, digital and electronic equipment.

- a) The network may not be used to download, copy, or store any software, shareware, or freeware. In order to avoid copyright issues, this prohibition applies to any such downloading, copying or storage, regardless of copyright status, unless approved by a network administrator. Moreover, only the network administrator is authorized to consent to the terms of any software license with respect to downloaded programs.
- b) No user may add any software or application to a SW BOCES computer or to the network without the prior approval of the appropriate faculty member/administrator (in the case of an individual computer) or the network administrator (in the case of the network).

- c) The network may not be used for any commercial purposes, and users may not buy or sell products or services through the system.
- d) The network may not be used for advertising, political campaigning, or political lobbying.
- e) The network may not be used for any activity, or to transmit any material, that violates United States, New York State or local laws. This includes, but is not limited to, fraudulent acts, violations of copyright laws, and any threat or act of intimidation or harassment against another person.
- f) The SW BOCES is a place of tolerance and good manners. Use of the network or any SW BOCES computer facilities for cyber-bullying, bullying, harassment, intimidation, hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group or harassing any person or group by reason of race, color, religion, national origin, ethnic group, religion and religious practices, sex, gender, sexual orientation, mental and physical abilities, disability, or any other category protected by federal and state law is strictly prohibited.
- g) Network users may not use vulgar, derogatory, or obscene language.
- h) Network users may not post anonymous messages or forge e-mail or other messages.
- i) Network users may not log on to someone else's account, attempt to access another user's files, or permit anyone else to log on to their own accounts. Users may not try to gain unauthorized access ("hacking") to the files or computer systems of any other person or organization. However, students must be aware that any information stored on or communicated through the SW BOCES network may be susceptible to "hacking" by a third party.
- j) Network users may not access Web sites, newsgroups, or chat areas that contain material that is obscene or that promotes illegal acts. If a user accidentally accesses this type of information, he or she should immediately notify a teacher, librarian, and/or network administrator. Likewise, use of the network to access or process pornographic material (whether visual or written), or material which contains dangerous recipes, formulas or instructions, is prohibited.
- k) Users may not access newsgroups, chat rooms, list servers, or other services where they may communicate with people outside of the SW BOCES (specifically including e-mail) unless they are supervised by a teacher and have been given explicit approval to do so (e.g., "keypal" interactions for a particular class).
- l) Users may not engage in "spamming" (sending irrelevant or inappropriate electronic communications individually or en masse) or participate in electronic chain letters other than for official SW BOCES purposes.
- m) Users who maliciously access, alter, delete, damage or destroy any computer system, computer network, computer program, or data will be subject to criminal prosecution as well as to disciplinary action by the SW BOCES. This includes, but is not limited to, changing or deleting another user's account; changing the password of another user; using an unauthorized account; damaging any files; altering the system; using the system to make money illegally; destroying, modifying, vandalizing, defacing or abusing hardware, software, furniture or any SW BOCES property.
- n) Users may not intentionally disrupt information network traffic or crash the network and connected systems. They must not download, degrade, disrupt or save excessively large files without the express approval of the network administrator. Users may not add any

software or applications to the SW BOCES' network or computers, or add to or modify any existing software or applications, without the express permission of the network administrator.

- o) As is the case with all student work, users may not plagiarize, which is a serious academic offense. Plagiarism is "taking ideas or writings from another person and offering them as your own." Credit must always be given to the person who created the article or the idea. A student, who by cutting and pasting text or data, leads readers to believe that what they are reading is the student's original work when it is not, is guilty of plagiarism.
- p) Users must comply with the "fair use" provisions of the United States Copyright Act of 1976.
- q) "Fair use" in this context means that the copyrighted materials of others may be used only for scholarly purpose and that the use must be limited to brief excerpts. The SWBOCES' library professionals can assist students with fair use issues.
- r) Users may not copy any copyrighted or licensed software from the Internet or from the network without the express permission of the copyright holder. Software must be purchased or licensed before it can legally be used.
- s) Users may not take data, equipment, software or supplies (paper, toner cartridges, disks, etc.) for their own personal use. Such taking will be treated as theft. Use of SW BOCES printers and paper must be reasonable.
- t) Users must behave properly in any computer lab setting. Normal rules of classroom decorum and complacency with instructions from faculty and administrators will apply.

Violations and Consequences

Responses and consequences of violations include but are not limited to:

- a) Suspension or revocation of information network access;
- b) Suspension or revocation of network privileges;
- c) Suspension or revocation of computer/electronic/digital access;
- d) Suspension from school;
- e) Criminal prosecution.

Repeated or severe violations will result in more serious penalties than one-time or minor infractions.

In addition, SW BOCES will seek monetary compensation for damages in appropriate cases.

This Acceptable Use Policy is subject to change. SW BOCES reserves the right to restrict or terminate information network access any time for any reason. SW BOCES further reserves the right to monitor network activity as it sees fit in order to maintain the integrity of the network and to monitor acceptable use. SW BOCES administrators will make final determination as to what constitutes unacceptable use.

Disciplinary penalties involving possible suspension from school will be determined in accordance with the Southern Westchester BOCES Code of Conduct. However, suspension or revocation of network and/or computer access will be determined by the network administrator, acting in consultation with Building and SW BOCES-wide administrators and in accordance with applicable due process rights.

DEFINITIONS

Alcohol use, possession, sale, distribution: Alcohol in any form or any amount is strictly prohibited on school grounds, in buildings, at any school-sponsored event or activity whether onsite or off-site. This includes but is not limited to liquor, malt beverages, wine or other intoxicating liquid.

Arson is defined as deliberately starting a fire by using a match, lighter or other device (including magnifying glass) to ignite combustible items with the intent to damage or destroy property of any sort.

Assault: Intentionally or recklessly causing physical injury to a person with or without a weapon. Physical injury means impairment of physical condition or substantial pain and includes (but is not limited to) such events as black eye, welts, abrasion, bruising, black/blue marks, cuts, swelling, severe headaches, joint, muscle pain; stab or puncture wound, fractured or broken bone or teeth, concussion, risk of death or disfigurement, health impairment or loss of function of any bodily organ.

Bomb, Explosive: Incendiary or explosive materials or devices or other dangerous materials that can cause physical injury or death.

Bomb threat: Telephoned, written, electronic or digital message that a bomb, explosive, chemical or biological weapon has been or will be placed on school property, including bus, buildings, grounds.

CyberBullying means the use of communication, digital and/or electronic devices for the purpose of bullying, harassment, intimidation, embarrassment, threats, ostracism, defamation or other negative intent.

Defamation: Demeaning or harming the reputation of a person or group of persons, including making false representation or derogatory conclusions about a person or group, may include slurs, epithets or inappropriate language.

Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such an impairment...(excerpted from §Ed. Law 11[4] and Executive Law §292[21]).

Disruptive students means a student of age 21 or under who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom and demonstrates a persistent unwillingness to comply with instructions of the teacher.

Drug Use, possession, distribution, sale: It is strictly prohibited for students, staff, visitors or others to use, sell, distribute or possess substances of abuse, including illicit drugs. These substances include but are not limited to controlled substances (DEA scheduled narcotics) such

as cocaine, marijuana, hallucinogens, stimulants, heroin, opiates, LSD, PCP, steroids, designer drugs. This category also includes prescription medications not in accordance with the District medication policy, look-alike drugs, synthetic marijuana and any other abusable substances.

Drug-related paraphernalia includes any device, material or instrument that on its face is used for the production, packaging, distribution or ingestion of a drug, illegal substance or prohibited substance. This includes but is not limited to rolling paper, hash pipe, roach clip, clip, water pipe, bong or other items used for any of these purposes.

False alarm: Activating a fire or disaster alarm, false reporting a fire, bomb or similar device is prohibited for students, staff or visitors.

Functional behavioral assessment means the process of determining why the student engages in behaviors that impede learning and how the student's behavior relates to the environment.

Gang-related Activities: Gangs are organized groups engaged in dangerous and often criminal activity such as vandalism, robbery or intimidation. The District prohibits possession or displaying of symbols, colors, special dress or accessories of any sort that designate membership or alliance with gangs.

Gender means actual or perceived sex and includes a person's gender identity or expression.

Harassment: Under Education Law § 11[7], harassment includes conduct, verbal threats, intimidation or abuse that creates a hostile environment for a student, conduct 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 wellbeing; 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. Harassing behaviors or conduct may include but is not limited to acts based on actual or perceived characteristics of students which can include actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation, or sex.

Hazing includes any intentional or reckless acts directed at an individual or group for the purpose of initiation, affiliation or maintaining membership in any school sponsored club, team, organization or activity. Hazing activities produce mental or physical discomfort, embarrassment or humiliation.

Indecent exposure: Revealing private parts of the body in a lewd or indecent manner.

Insubordination: Refusal to comply with reasonable directions of school staff members is a form of insubordination. Refusal to identify self upon request, refusal to comply with rules or lying to school personnel constitutes insubordination.

Intimidation: Threatening, stalking, seeking to compel or coerce a person (or persons) to behave in a specific manner or to commit a specific act or acts. This can be verbal, electronic, written or physical or through the use of epithets or slurs. NYS VADIR defines intimidation as repeated

“threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in written, verbal or physical conduct that threatens a person or group with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practice, gender, sexual orientation, age or disability that substantially disrupts the educational process.”

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

Probable cause relates to a threshold of information that must usually be met before **police** make an arrest, conduct a search or receive a warrant: Information is reliable if it shows that it's more likely than not that a crime has occurred and the evidence sought exists at the place named in the search warrant, or that the suspect named in the arrest warrant has committed a crime.

A reasonable suspicion exists when a reasonable person under the circumstances, would, based upon specific and articulable facts, suspect that a crime has been committed.

Robbery is stealing from an individual or school accompanied by the use or threat of physical force.

School bus: is every motor vehicle owned and operated by SW BOCES or a public school district for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity and a motor vehicle privately owned and operated for compensation for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school functions.

School function: is a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

School Personnel / Staff / Employee: For the purposes of this document, the terms “school personnel,” “staff” and “employee” refer to (a) any person receiving compensation from SW BOCES, (b) any person employed by a service provider under contract with SW BOCES to provide educational or related services to its students or personnel or (c) any person placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to SW BOCES, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

School Property refers to the space in or around any public school building or structure; any property or grounds within the real property line or boundary; athletic playing fields, playgrounds, parking lots, school busses are included.

Sexual Orientation means actual or perceived heterosexuality, homosexuality or bisexuality.

Student with a disability: For the purposes of this document, the phrase “student with a disability,” means a student who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. This phrase does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

Theft: Stealing of property from a person or school.

Trespass: The unauthorized presence of a person in a school building or school property, at a school-related site or activity without official permission.

Vandalism is the act of damaging, defacing or destroying property belonging to the school, district or staff. This includes such items as buildings, furniture, grounds, vehicles, equipment or materials.

Violent Student: A student under the age of 21 who commits an act of violence (or attempts to commit an act of violence) upon a school employee, student or other person lawfully on school property or at a school function. In addition, a violent student is one who displays, possesses or threatens using what appears to be a weapon.

Weapon: The following constitute a weapon, as defined under state and federal law, but this definition is not all inclusive: rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun; switchblade knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife; billy club, blackjack, bludgeon, chukka stick, metal knuckles; sandbag or sand club; sling shot or slungshot; martial arts instrument (including kung fu star, ninja star, ninchuk or shirken); explosive such as firecracker or fireworks; deadly or dangerous chemical including but not limited to strong acid or base, mace or pepper spray; imitation gun; loaded or blank cartridge or other ammunition; or any other deadly or dangerous instrument.

Adopted: June 6, 2012