SOUTHERN WESTCHESTER BOCES

Code of Conduct

For
Students
Employees
Visitors (including Parents, Vendors, Consultants)
Community Members

The SWBOCES Mission

The job of BOCES is to support the work being done in schools by providing services and supports they are not able to provide for themselves.

Approved by the SWBOCES Board of Education

June 22, 2022

Notice of Nondiscrimination

Southern Westchester BOCES (BOCES) is a fully inclusive organization that believes in our established values of respect, diversity, and pluralism.

BOCES provides equal opportunity for students, and it does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, BOCES does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, gender identity or expression, or any other basis prohibited by state or federal non-discrimination laws. It provides equal access to its facilities to the Boy Scouts and other designated youth groups.

BOCES is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, gender identity or expression, or age. Further, BOCES does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Inquiries regarding BOCES' non-discrimination policies and grievance procedures should be directed to:

Assistant Superintendent for Business and Administrative Services
(Civil Rights Compliance Officer and Title IX Coordinator)

Or

Director of Human Resources
(Civil Rights Compliance Officer and Title IX Coordinator)
17 Berkley Drive Rye
Brook, NY 10573
914-937-3820

Southern Westchester BOCES policies, procedures, and forms regarding non-discrimination include:

Refer also to Policies:
#2420 -- Anti-Harassment in the SWBOCES
#5120 -- Equal Employment Opportunity
#5121 -- Sexual Harassment (Personnel)
#5170 -- Complaints and Grievances by Employees
#6440 -- Sexual Harassment of Students
#6460 -- Equal Educational Opportunity (Students)
#6461 -- Complaints and Grievances by Students
#7120 -- Students with Disabilities
#7140 -- Career and Technical Education

Southern Westchester BOCES Code of Conduct

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SOUTHERN WESTCHESTER BOCES CODE OF CONDUCT

I. Introduction

BOCES strives to support and enhance the capacity of component school districts to carry out their roles as the chief instrument in the education of the children, youth, and adults in their communities.

BOCES is committed to providing a safe and orderly educational environment where students receive quality educational services without disruption or interference. Responsible behavior by students, teachers, other BOCES personnel, parents, volunteers, vendors, contractors, and other visitors is essential to achieving this goal.

The BOCES Board has expectations for conduct on BOCES property and at BOCES functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. BOCES aspires to:

1. Foster an environment of mutual trust and respect;
2. Raise students' knowledge, skill, and opportunity;
3. Inspire students, staff, and communities to pursue equity and excellence and to lead by example.

The Board recognizes the need to clearly define these expectations for acceptable conduct on BOCES property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. This Code of Conduct has been developed and will be maintained in collaboration with student, teacher, administrator, parent, BOCES safety personnel, and other representation.

Further, the Code of Conduct has been written to comply with the Safe Schools Against Violence in Education Act, the Dignity for All Students Act, and various provisions of the Education Law and Commissioner of Education regulations, all of which seek to improve school safety and ensure a safe and effective learning environment.

The Code of Conduct includes provisions which will govern the conduct of all students, teachers and other BOCES personnel, as well as visitors. Portions of this Code will also be applicable to the conduct of parents, volunteers, vendors, and contractors, where indicated. For clarity in application, individuals should refer to the Board of Education Policies referenced.

Students who attend any BOCES program, regardless of that program's location, should be aware that their conduct will be subject to BOCES' Code of Conduct, the component district's/host building's Code of Conduct, and the provisions of the Code of Conduct in place in the students' home district of residence, as applicable.

Unless otherwise indicated in this Code, students may be subject to discipline for engaging in acts of misconduct that take place off BOCES/school property where the conduct endangers the health or safety of students, substantially disrupts school operations or otherwise adversely affects the educational process.

Adult students enrolled in workforce development programs should consult their individual program handbook or student handbook for specific disciplinary procedures. In addition, BOCES reserves the right to apply the provisions of this Code of Conduct to adult learners to the extent authorized by law.

II. Definitions

For purposes of this Code, the following definitions apply:

Administrative, Managerial, and Technical Staff means those individuals who are responsible for central office operations or specialized instructional or administrative management services who provide support or oversight to various BOCES programs or to component districts.

Behavior Management System means a process or system of consequences for behavior that is developed and monitored by staff in a particular building or program which is used by staff and students in order to monitor and improve student behaviors.

BOCES Function means a BOCES-sponsored or BOCES-authorized extracurricular event or activity, or a BOCES-sponsored work site/internship.

BOCES Property means any BOCES-owned or leased equipment, building, structure, playground, parking lot, grounds, or land contained within the real property boundary lines of BOCES' schools or centers or in or on a BOCES-supervised school bus.

Building Administrator means a certified administrator who is responsible for the supervision and management of a BOCES site.

Bullying - see **Harassment.**

Committee on Special Education (CSE) means the Committee on Special Education, subcommittee on special education, or other multidisciplinary team of the student's home school district.

Cyberbullying means harassment or bullying, where the harassment or bullying occurs through any form of electronic communication.

Detention means an after-school penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

Dignity for All Students Act refers to Article 2 of the New York State Education Law, as well as amendments to Sections 801-a and 2801 New York State Education Law made pursuant to Chapter 482 of the Laws of 2010. For purposes of this Code of Conduct, it will also refer to subsequent amendments to those statutes, and to any and all regulations promulgated by the Commissioner of Education to achieve the aims set forth in Chapter 482 of the Laws of 2010. The intent of the Dignity Act is to provide all public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, bullying, taunting or intimidation, as well as to foster civility in public schools.

Disciplinary Change in Placement means a suspension or removal by the home school district of a student with a disability from his/her current educational placement that is either for more than ten consecutive school days, or for a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of such additional factors as the length of each suspension or removal, the total amount of time the student has been removed and the proximity of the suspensions or removals to one another.

Discrimination for purposes of prohibited conduct under the Dignity for All Students Act (DASA) 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.

Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit.

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

Firearm means 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; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

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

Gender Identity or Expression for the purposes of discrimination as it applies to employees means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

Harassment and Bullying for purposes of prohibited conduct under the Dignity for All Students Act (DASA) mean creating a hostile environment by conduct, communication, threats, intimidation, or abuse, including cyberbullying, based on a person's membership in a protected class 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, 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; or

3. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

4. Occurs off BOCES/school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach BOCES/school property.

Home School District means the student's school district of residence.

Long-Term Suspension means a suspension of more than five consecutive school days.

Manifestation Determination means a review of the relationship between the student's disability and the behavior subject to disciplinary action that is conducted by the Manifestation Team or the Committee on Special Education (CSE) of the student's home school district.

Non-Instructional Personnel - means those employees whose duties and/or responsibilities are specifically located in a non-instructional building, setting or program, owned and operated by Southern Westchester BOCES.

Therapeutic Crisis Intervention means those techniques that enable staff to maintain control in

crisis situations through actions that help staff defuse the disruptive student and reduce the chance for physical injury to all who are present. In Therapeutic crisis intervention, the emphasis is always on the staff's primary responsibility, which is the care, welfare, safety and security of students and staff. Physical restraint is only used when all verbal techniques have been exhausted and the individual's actions are escalating toward physical aggression. Any physical control that is used will be used in a way to control and protect students from harming themselves or others.

Off-campus conduct means acts, threats, intimidation, or abuse that occur off BOCES or school property.

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

Plagiarism is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, even with minor alterations.

School means, unless otherwise designated, the location of a BOCES program or service.

Sexual Harassment of students is a form of sex discrimination and is unlawful and prohibited by BOCES. Generally, it can include harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can also consist of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex. Sexual harassment can occur between any individuals, regardless of their sex or gender. In addition, under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the BOCES conditioning the provision of an aid, benefit, or service of the BOCES on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the BOCES' education program or activity;

3. Sexual assault, dating violence, domestic violence, or stalking.

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

Short-Term Suspension means a suspension of five or less consecutive school days.

Student Support Service Personnel means any staff member who provides direct educationally related services or assists students in coping with peer pressure and emerging personal, social, emotional, and physical problems. These services are provided by psychologists, social workers, counselors, school counselors, ESL teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, occupational, or physical therapists.

Violent Student means a student who:

1. Commits an act of violence upon a teacher, administrator, or other school employee, or attempts to do so;

2. Commits, while on BOCES property or at a BOCES function, an act of violence upon another student or any other person lawfully upon the property or at the function, or attempts to do so;

3. Possesses, while on BOCES property or at a BOCES function, a gun, knife, explosive or

incendiary bomb, or other dangerous instrument capable of causing physical injury or death;

4. Displays, while on BOCES property or at a BOCES function, or online through the use of email or social media, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

5. Threatens, while on BOCES property or at a BOCES function, to use any instrument that appears capable of causing physical injury or death;

6. Knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other BOCES employee or any person lawfully upon BOCES property or at a BOCES function; or

7. Knowingly and intentionally damages or destroys BOCES property.

Weapon means, except as otherwise provided in this Code of Conduct, any unauthorized device, instrument, material or substance that is capable of causing physical injury or death. "Weapon" also means those objects or instruments which are specifically prohibited under New York State Penal Law from being possessed on school grounds, in any District/BOCES building, on a school bus or District/BOCES vehicle, or at any school sponsored activity or setting under the control and supervision of the BOCES. This includes, but is not limited to: any of the objects or instruments referred to in Section 265.01-a of the New York State Penal Law (such as a rifle, shotgun, or firearm); or any of the objects or instruments referred to in Section 265.06 {such as any air-gun, spring-gun, or other instrument or weapon in which the propelling force is a spring, air, piston, or CO_2 cartridge). "Weapon" for purposes of this Code of Conduct will also include any object that could be considered a reasonable facsimile of a weapon.

Weight a person's size.

III. Student Rights and Responsibilities

BOCES is committed to safeguarding the rights given to all students under state and federal law and BOCES policy. To promote a safe, healthy, orderly, and civil environment, BOCES students have these rights and responsibilities:

RIGHTS	RESPONSIBILITIES
● To attend BOCES and be granted the opportunity to receive a quality education.	● To attend school, internships, and job sites regularly and on time; perform assignments; and strive to do their highest quality work.
● To be made aware of BOCES rules and policies, and to be treated in a manner consistent with these rules and policies when resolving disciplinary matters.	● To understand the BOCES Code of Conduct, obey the rules it contains, and to be accountable for their actions.
● To have the opportunity to present their version of the facts and circumstances in all disciplinary matters.	● To be truthful and respectful in the resolution of conflicts with all parties involved.
● To take part in all BOCES activities on an equal basis regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex.	● To be respectful and supportive to all who are participating in BOCES academic and extracurricular activities.
● To feel safe in the BOCES environment and not to be intimidated, bullied, or harassed by others.	● To behave in a manner that will not jeopardize the safety and well-being of themselves or others, and to respect and treat others in a fair and equitable manner.
● To express their style and dress according to their own individual taste.	● To dress in a safe manner that is not educationally distracting to others, is appropriate to the program, and is in accordance with the BOCES dress code.
● To be protected from intimidation, harassment, bullying, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, gender identity or expression, sexual orientation, or disability, by employees or students on BOCES property or at a BOCES function.	● To respect one another and treat others fairly. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, bullying, or discrimination. To report and encourage others to report any incidents of intimidation, harassment, bullying, or discrimination.

IV. Essential Partners in Creating a Positive School Climate

All parents are expected to:

1. Recognize that their child's education is a joint responsibility with the BOCES community.
2. Send their children to BOCES ready to participate and learn.
3. Ensure their child attends school regularly and on time.
4. Ensure absences are excused in accordance with the applicable attendance policy.
5. Insist their child be dressed and groomed in a manner consistent with the student dress code, uniform requirements, or safety requirements for specific programs.
6. Know BOCES rules and help their child understand them.
7. Help their child understand that in a democratic society, appropriate rules are required to maintain a safe, orderly environment free from intimidation, bullying, discrimination, and harassment in accordance with the Dignity for All Students Act.
8. Promote positive and respectful behavior in their child by helping him or her to accept the consequences of his or her actions and by becoming involved in the behavior management/disciplinary process.
9. Convey to their child a supportive attitude toward education and BOCES.
10. Build positive relationships with teachers, other parents, and their child's friends.
11. Help their child deal effectively with peer pressure.
12. Inform BOCES officials of changes in the home situation that may affect student conduct or performance.

All teachers are expected to:

1. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex, with an understanding of appropriate appearance, language, and conduct, which will strengthen student's self-image and promote confidence to learn.
2. Be prepared to teach.

3. Demonstrate interest in teaching; concern for student well-being, achievement, and educational progress; and respond appropriately to the individual needs of each student.

4. Know and be able to apply effective classroom/building behavior management techniques and the therapeutic crisis intervention philosophy and techniques.

5. Communicate to students and parents that which is important to each student's emotional, social, behavioral, and academic progress, including but not limited to:

    a) Course objectives and requirements,

    b) Marking/grading procedures and reports,

    c) Assignment deadlines,

    d) Expectations for students,

    e) Classroom discipline plan,

    f) Building-wide behavior management plan.

Communicate regularly with students, parents, and other teachers concerning growth and achievement.

Adhere to the Code of Conduct for the BOCES and district-based school in which teachers or itinerant staff are providing services. In addition, know school/BOCES policies, rules, and Codes of Conduct, and enforce them in a fair and consistent manner.

Confront issues of discrimination, bullying, and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee, or any person who is lawfully on BOCES property or at a BOCES function.

Report incidents of discrimination, bullying, and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator, Civil Rights Compliance Officer, Title IX Coordinator, or Dignity Act Coordinator (DAC), as appropriate, in a timely manner.

Report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration, or scoring of state assessments in violation of New York State law. This report will be made in accordance with directions and procedures established by the Commissioner to maintain the security and confidential integrity of State assessments.

All student support service personnel, teaching assistants and teacher aides are expected to:

1. Provide appropriate educationally related service(s) to support students in their educational program.

2. Support educational and academic goals.

3. Assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems.

4. Know school/BOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code of Conduct.

5. Be knowledgeable of and be able to apply effective classroom behavior/building management techniques and non-violent crisis intervention philosophy and techniques.

6. Communicate regularly, as appropriate, with students, parents/guardians and other staff.

7. Adhere to the Code of Conduct for the BOCES or district-based school in which staff are providing services.

8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

9. Report incidents of discrimination, bullying, and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator, Civil Rights Compliance Officer, Title IX Coordinator, or DAC, as appropriate, in a timely manner.

10. Report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such reports will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

All building administrators are expected to:

1. Promote a safe, orderly, and academically stimulating school environment that supports active teaching and learning for all students.

2. Ensure that students and staff have the opportunity to communicate regularly with the building principals and have access to them to redress grievances.

3. Evaluate all instructional programs for which they are responsible on a regular basis.

4. Support the development of and student participation in appropriate extracurricular activities.

5. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.

6. Be knowledgeable of and be able to apply effective classroom behavior/building management techniques, and therapeutic crisis intervention philosophy and techniques and assure their utilization in the building/program.

7. Ensure that a building-wide behavior management system , including the formation of a Building Emergency Response Team is created and supported to meet the needs of students enrolled in their program.

8. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

9. Follow up on any incidents of discrimination, bullying, and harassment that are witnessed or otherwise brought to their attention in a timely manner in collaboration with the Civil Rights Compliance Officer, Title IX Coordinator, or DAC, as appropriate.

10. Report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such reports will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

All administrative, managerial, and technical staff are expected to:

1. Provide specialized instructional and administrative services to BOCES and component districts.

2. Support the implementation of the Code of Conduct.

3. Assure that the staff under their supervision conform to the Code of Conduct.

4. Report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such reports ill be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

All other BOCES staff are expected to:

1. Perform specialized non-instructional duties that support the operational functioning of the school/BOCES.

2. Know school/BOCES policies and rules and support the implementation of the Code of Conduct.

All Dignity for All Students Act (DASA) Coordinators are expected to:

1. Serve as the lead person responsible for facilitating implementation of DASA.

2. Participate in required training to respond to human relations in the areas of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender, gender identity or expression.

3. Be accessible to students and other staff for consultation and guidance relative to DASA.

4. Accept reports regarding violations and conduct investigations.

5. Maintain a professional, ethical relationship with students and all other BOCES stakeholder groups.

The BOCES Board of Education is expected to:

1. Encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex, with an understanding of appropriate appearance, language, and conduct, which will strengthen student's self-image and promote confidence to learn.

2. 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, BOCES personnel, and visitors on BOCES' property and at BOCES functions.

3. Review and approve, at least annually, this Code of Conduct to evaluate its effectiveness and the fairness and consistency of its application.

4. Review and approve a budget that provides programs and activities that support BOCES' goals and the goals of this Code.

5. Lead by example by conducting Board meetings in a professional, respectful, and courteous manner.

V. Student Civility and Dress Code

All student interaction and communication with other students, teachers, BOCES administrators, other BOCES personnel, volunteers, vendors, contractors, and visitors on BOCES property will be appropriate, civil, and respectful. Students are expected to behave with dignity and treat others with respect and courtesy. Students should respect their peers, teachers, and BOCES and school staff. Individual behavior should not interfere with the rights of others. Students are expected to use language that is appropriate and that demonstrates respect for themselves and others. Language and gestures that are profane, vulgar, obscene, or that constitute harassment, bullying, or discrimination are prohibited. Students who engage in this speech are subject to corrective action or discipline.

Students and parents are responsible for student dress and appearance; they have the right to determine how the student dresses, provided that his or her attire is not destructive to BOCES property, complies with requirements for health and safety, does not interfere with or distract from the educational process, or infringe upon the rights of others. The administration may take action in instances where individual dress does not meet these stated requirements.

While the BOCES administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and t-shirts, they may not prescribe a specific brand which students must buy. Uniforms or other safety equipment/attire may be required for specific programs.

A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up, and nails will:

1. Be safe, appropriate, and not disrupt or interfere with the educational program.

2. Not be revealing or see-through; undergarments must be completely covered with outer clothing.

3. Not be vulgar, obscene, or libelous, or denigrating to others on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, creed, religious practice, disability, sexual orientation, gender, gender identity or expression, sex, or any other legally protected category.

4. Not promote or endorse the use of alcohol, tobacco, or illegal drugs, or encourage other illegal or violent activities.

5. Not display any signs of gang affiliation that have been observed to increase the level of conflict or violent behavior in schools or under circumstances in which school or BOCES authorities may reasonably forecast that violence or substantial disruption of their activities will occur.

Students must wear appropriate footwear at all times. Footwear that is a safety hazard is prohibited. Student, faculty, or parent groups may recommend appropriate dress for school/BOCES or special occasions. A student will not be prevented from attending BOCES or a BOCES function so long as his or her dress and appearance meet the Code's requirements.

Each building principal or designee is 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. Additional details about the dress code may be addressed in building-specific student handbooks.

Students who violate the student dress code will 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 may be subject to further discipline, up to and including in-school suspension. If a student repeatedly fails to comply with the dress code, he or she may be subject to further discipline, up to and including out-of-school suspension.

Teachers and all other BOCES personnel serve as role models to the students they work with; they should exemplify and reinforce acceptable student dress and behavior, and help students develop an understanding of appropriate appearance and conduct in a school setting by attending to their own appearance through these guidelines. Staff are expected to wear clothing that is modest, safe, clean, in good repair, appropriate to their program, and not disruptive to the educational process.

Use of Personal Technology and Electronic Devices by Students and Staff:

Personal technology and electronic devices include all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls, or images, that belong to the student or the student's family, and that have not been provided by BOCES. Examples of personal technology include, but are not limited to, tablets; laptops, chromebooks; cell phones/smart phones, portable gaming devices; and any device with similar capabilities as well as any upcoming and/or emerging technologies, not specifically mentioned here.

BOCES authorizes personal technology and electronic devices for instructional and non-instructional uses for students as set forth below. However, BOCES does not authorize unacceptable devices including, but not limited to, gaming devices, consoles, laser pointers, or personal networking equipment.

Use of personal devices by employees for work related purposes is not permitted. Employees should refer to both the SWBOCES Staff Acceptable Use Regulation 6413R and Staff Use of Personal/Mobile Technology Regulation 6410.R2 regarding this topic.

Instructional Uses:

Student Instructional uses include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities considered appropriate by BOCES staff.

Students are permitted to have and use any personal technology device as authorized by their teachers and administration for use in classrooms. Students are expected to act responsibly and thoughtfully when using technology resources. While students are permitted to possess and use these devices

during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers, or visitors, or that otherwise violates law or any provision of this Code of Conduct. If a student violates this prohibition, then he or she may be disciplined under this Code of Conduct. Students should keep any permitted electronic device on BOCES property in a safe and responsible manner as instructed by the building principal. Passwords and personal technology devices should not be shared with others. A student's electronic device may be confiscated and subject to a search in accordance with this Code, if BOCES officials have reasonable suspicion to believe that the search will reveal evidence of a violation of law, the Code of Conduct, or other BOCES rules or policies.

Non-Instructional Uses:

Appropriate student use of personal technology during non-instructional time is also permitted if students follow the guidelines in the Acceptable Use Policy and Code of Conduct. Non-instructional use includes texting, calling, or otherwise communicating with others during free periods and within common areas of the school building such as the hallways, cafeteria, study halls, buses, and student lounges. Other non instructional uses may include internet searches, reading, listening to music, and watching videos. Use during non-instructional time must be conducted in a safe and unobtrusive manner. Devices must be in silent mode to avoid disrupting others.

Teachers and all other BOCES personnel should exemplify and reinforce acceptable student behavior, including possession and use of electronic devices.

Prohibition During State Assessments:

Unless authorized by law, regulation, or government rule, all students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, monitors, and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student ·who refuses to relinquish a prohibited device.

VI. Prohibited Student Conduct

BOCES expects all students to conduct themselves in an appropriate and civil manner per the BOCES Code of Conduct, with proper regard for the rights and welfare of other students, personnel, and other members of the school community, and with respect to facilities and equipment. These expectations apply to internships and student work experiences.

Discipline should be self-imposed; students must learn to assume and accept responsibility for their own behavior as well as the consequences of their misbehavior. BOCES personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline.

Students who do not accept responsibility for their own behavior or who violate these school rules may be disciplined up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly; insubordinate; disruptive; violent; endangers the safety, morals, health, or welfare of others; engage in misconduct on a school bus; or engage in academic misconduct including at work/internship sites.

Students are expected to promptly report any violations to a teacher or administrator. Anyone who, in good faith, reports a violation of the law, school rule, or Code of Conduct, may not be retaliated against. Students who knowingly make false accusations against another individual may face disciplinary action. This can include, but is not limited to, knowingly making false statements or knowingly submitting false information during the grievance process under Title IX, which is prohibited by this Code.

Students may face disciplinary action when they:

1. **Engage in Conduct that is Disorderly**

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

   a. Engaging in any act which disrupts the normal operation of the BOCES community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.

   b. Obstructing vehicular or pedestrian traffic.

   c. Trespassing. Students are not permitted in any area of BOCES buildings, other than the areas they regularly attend, without permission from the administrator in charge of the building.

   d. Misuse or unauthorized use of personal technology and electronic devices (see "Use of Personal Technology and Electronic Devices" in Section V of this Code) as well as any unauthorized or inappropriate use of BOCES computers, software, or internet/intranet account; accessing inappropriate websites; evading the BOCES or a district's content filter; using an outside wireless network; or any other violation of the BOCES Acceptable Use Policy.

   e. Unauthorized use of personal computer, laptop, e-reader, or other computerized information resources through the BOCES computer system.

2. **Engage in Conduct that is Insubordinate**

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

   a. Failing to comply with the reasonable directions of teachers, school administrators, or other BOCES employees, or otherwise demonstrating disrespect.

   b. Missing or leaving school or class without permission.

   c. Skipping detention or failing to comply with other disciplinary consequences.

3. **Engage in Conduct that is Disruptive**

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

   a. Failing to comply with the reasonable directions of teachers, BOCES administrators, or other BOCES employees, or otherwise demonstrating disrespect.

   b. Engaging in behavior that interferes with the learning environment, BOCES community, or a BOCES function through inappropriate appearance or behavior.

4. Engage in Conduct that is Violent

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

a. Committing, threatening, or attempting an act of violence such as hitting, kicking, punching, or scratching upon another student; teacher, administrator, or other BOCES employee; or any other person lawfully on BOCES property.

b. Engaging in any other act that would qualify the student to be defined as a "violent student" in accordance with Education Law Section 3214(2) (2-a) and Section II of this Code of Conduct.

c. Engaging in harassing conduct, verbal threats, bullying, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well being.

d. Possessing a weapon as defined in Section II of this Code of Conduct. Unless expressly permitted by BOCES officials, only authorized law enforcement officials may have a weapon while on BOCES property or at a BOCES function.

e. Displaying what appears to be a weapon, as defined in Section II of this Code of Conduct, threatening to use any weapon, or using one or more weapons that are not required for instruction under direct supervision.

f. Possessing, displaying, threatening to use or using a knife, including, but not limited to, a hunting knife, folding knife, pocketknife, fixed blade knife, kitchen knife, or box cutter, of any size.

g. Intentionally damaging or destroying BOCES property or the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other BOCES employee, or any person lawfully on BOCES property or at a BOCES function, including, but not limited to, graffiti or arson.

h. Communication by any means, including oral, written, or electronic (such as through the internet, email, online learning management systems/educational platform the Anonymous Alerts notification System, other forms of social media, or texting) off BOCES property, where the content of the communication:

    1) Can reasonably be interpreted as a threat to commit an act of violence on BOCES property; or

    2) Results in, or can be reasonably expected to result in, a material or substantial disruption to the educational environment.

5. Engage in Any Conduct that Endangers the Safety, Morals, Health, or Welfare of Others

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

a. Lying, deceiving, or giving false information to BOCES personnel. This can include, but is not limited to, knowingly making false statements or knowingly submitting false information during the grievance process under Title IX.

b. Stealing BOCES property or the property of other students, BOCES personnel, or any other person lawfully on BOCES property or while attending a BOCES function.

c. Making statements or representations that demean, denigrate, or otherwise harm other individuals or groups. This can include posting, publishing, or disseminating written materials, video or audio recordings, or pictures on the internet, social media, or on any BOCES-owned or personally owned electronic device, when such conduct poses a reasonably foreseeable risk that the content would come to the attention of school authorities and would result in material and substantial disruption to the educational environment, or does result in such disruption.

d. Engaging in acts of harassment, bullying, cyberbullying, intimidation, or discrimination, including conduct prohibited by the Dignity for All Students Act (see Section VII of this Code).

e. Inappropriate communication of a sexual nature, including by means of any personal technology, electronic device, or other means of technology, including, but not limited to, the taking, sending, or receiving of sexually explicit videos, pictures, or audio.

f. Displaying signs of gang affiliation or engaging in gang-related behaviors that are believed or have been observed to increase the level of conflict or violent behavior on BOCES property or at a BOCES function or under circumstances in which BOCES authorities may reasonably expect violence or substantial disruption of BOCES activities.

g. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any BOCES or BOCES-sponsored activity, organization, club, or team.

h. Selling, using, possessing, or distributing obscene material.

i. Possessing, consuming, selling, attempting to sell, distributing, or exchanging tobacco, tobacco products, and any other products containing nicotine, as well as e-cigarettes, vape pens, or other similar items, including related paraphernalia, while on BOCES property.

j. Possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages or illegal substances; counterfeit, synthetic, and designer drugs; paraphernalia for use of these drugs, including, but not limited to, dab pens, cartridges, rolling papers, or being under the influence of any of these substances on BOCES property or at a BOCES function. Illegal and/or prohibited substances include, but are not limited to, inhalants, marijuana (including any other marijuana-based product or derivative, whether natural or synthetic), synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike substances, and any other synthetic or designer drugs.

k. Unauthorized possession, use, sharing, selling, attempting to sell, distributing or exchanging, or attempting to distribute or exchange, prescription or over-the-counter drugs.

l. Possessing, using, consuming, selling, attempting to sell, distributing or attempting to distribute, or exchanging or attempting to exchange look-alike drugs, or possessing or consuming (without authorization), selling, attempting to sell, distributing or attempting to distribute, or exchanging or attempting to exchange other substances such as dietary supplements, weight loss pills, etc.

m. Gambling and gaming.

n. Inappropriate touching, including contact of a sexual nature, or indecent exposure.

o. Initiating or reporting a warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.

p. Unauthorized or inappropriate use of BOCES restroom facilities.

q. Engaging in conduct that could be construed as sexual harassment in accordance with this Code of Conduct and/or Title IX.

6. Engage in Misconduct While on a School Bus

Students must behave while riding on buses under the authority of Southern Westchester BOCES, the component/host district, or the district of residence to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Behaviors such as excessive noise, pushing, shoving, fighting, harassment, bullying, and discrimination will not be tolerated. Misbehavior may be addressed under the authority of the Code of Conduct of Southern Westchester BOCES, the component/host district, or the district of residence. Students who misbehave on school buses under the authority or supervision of the component/host district or the district of residence going to or from a BOCES program will be immediately referred to their district of residence for discipline.

7. Engage in any Form of Academic Misconduct

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

a. Plagiarism

b. Cheating

c. Copying

d. Altering records/forgery

e. Accessing other users' email accounts or network storage accounts, or attempting to read, delete, copy, modify, or interfere with transferring or receiving electronic communications.

f. Other violations of the Acceptable Use Policy.

g. Defacing or damaging BOCES, school, class, library, or others' materials, work, or documents.

h. Taking exams, quizzes, labs, or any other instructional questions, answers, or forms to further one or more students' grade or progress.

i. Assisting another student in any of the actions specified in Section VI (7).

VII. Harassment, Bullying, and Discrimination

BOCES seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its schools and programs, and to prevent conduct which is inconsistent with its educational mission. BOCES therefore prohibits all forms of harassment and bullying of students by employees or other students on BOCES or school property and at BOCES functions. BOCES further prohibits discrimination against students, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex by BOCES employees or other students on BOCES property and at BOCES-sponsored functions that take place at locations off BOCES property. In addition, acts of harassment and/or bullying that occur off BOCES/school property, where such acts create or would foreseeably create a risk of substantial disruption within the BOCES/school environment, where it is foreseeable that the conduct, threats or intimidation or abuse might reach BOCES/school property, may be subject to discipline or other corrective action.

BOCES will take disciplinary measures for incidents involving harassment, bullying, or discrimination consistent with this Code of Conduct. Responses will be reasonably calculated to end the harassment, bullying, or discrimination, prevent recurrence, and eliminate any hostile environment.

The BOCES may also avail itself of remedial responses to incidents of harassment, bullying, or discrimination to affect the end of this behavior. Remedial responses may include but, are not limited to: peer support groups; corrective instruction or other relevant learning or service experience; supportive intervention; or other research-based methods of harassment, bullying, or discrimination prevention.

Dignity Act Coordinators

In each of its schools, BOCES has designated at least one employee to serve as a Dignity Act Coordinator (DAC). In accordance with the regulations of the Commissioner of Education, each DAC has been or will be thoroughly trained in the areas of: human relations; harassment, bullying, and discrimination; and exclusion, bias, and aggression in the educational setting. DACs are charged with coordinating and enforcing DASA's requirements and its implementing regulations and policies.

The designated Dignity Act Coordinators are:

Rye Lake Campus	Principals School Psychologist School Counselor School Social Worker	(914) 948-7271
Tappan Hill School	Principal Assistant Principal School Social Worker School Psychologist	(914) 366-2560
Irvington	Principal School Psychologist	(914) 591-8529
St. Matthew's	Principal School Social Worker	(914) 761-2863
Valhalla	Principal School Social Worker	(914) 784-2727

Career Services	Principal Assistant Principal School Social Worker	(914) 761-3400

Prohibition of Retaliatory Behavior

In accordance with Education Law, any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on BOCES grounds or at a BOCES function, who acts reasonably and in good faith in reporting that information to BOCES officials, the Commissioner of Education, or law enforcement authorities, or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, has immunity from any civil liability that may arise from making the report or from initiating, testifying, participating, or assisting in the proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

VIII. Reporting Violations

All students are expected to promptly report Code of Conduct violations to a teacher, guidance counselor, or the building principal or designee. All BOCES staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair, and lawful manner. BOCES staff who are not authorized to impose disciplinary sanctions are expected to promptly report Code of Conduct violations to their supervisor, who will in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

The building principal or designee may be directed to notify the appropriate local law enforcement agency of Code violations that constitute a crime and substantially affect the order or security of BOCES property as soon as practicable, but in no event later than the close of business the day the principal or designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day 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.

Reporting Weapons or Substance Abuse Violations

Any student observing a student possessing a weapon, alcohol, or illegal substance on BOCES property· or at a BOCES function must report this information immediately to a teacher or the building principal or designee. Staff who observe such misconduct will report this information immediately to the building principal or designee. Any weapons, alcohol, or illegal substances found will be confiscated immediately, followed by notification of the involved student's parent, and the appropriate disciplinary action, up to and including permanent suspension and referral for prosecution.

IX. Disciplinary Consequences, Procedures and Alternatives:

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it timely and directly addresses the issue in a way that students consider fair and impartial. While no single method of discipline is recommended or mandated, all discipline is to be appropriate to the situation and in accordance with law, regulations, and BOCES policies. BOCES personnel who interact with students will use disciplinary action only when necessary and to place emphasis on the student's ability to develop self-discipline.

Disciplinary action will be firm, fair, and consistent. So as to be the most effective in changing student behavior, there will be a rational relationship between the student's behavior and the consequences. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

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

Generally, discipline will be progressive and will include measured, balanced, and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention, and discipline. This means that a student's first violation will usually lead to a less serious consequence than subsequent violations. Under some circumstances, however, a serious first violation may lead to disciplinary action, including, but not limited to, suspension or removal from BOCES programs. Each student will face disciplinary action on an individual basis taking into account appropriate factors.

Special education students in a BOCES special education program may display a range of behaviors which may be considered disruptive within a regular education setting. These behaviors may include conduct that is disorderly, insubordinate, disruptive, or violent. BOCES special education programs incorporate behavior management systems as part of the overall instructional program that are designed to address this range of student behaviors. Students with disabilities may be disciplined in accordance with this Code of Conduct and applicable provisions of law. If a student's conduct is related to a disability or suspected disability, specific procedures outlined within this Code will be followed.

Disciplinary Consequences

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, BOCES uses a variety of appropriate classroom management techniques including:

1. Positive supports, strategies, explicit instruction and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
2. Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior;
3. Building-wide and classroom behavior management systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

As a general practice and whenever possible, these interventions are used in combination before imposing more severe disciplinary consequences.

Students who violate the BOCES Code of Conduct may face disciplinary actions as follows:

DISCIPLINARY CONSEQUENCE	PERSONNEL IMPOSING THE CONSEQUENCE
Verbal Warning	Any member of BOCES staff
Written Warning/Referral	Educational program staff and bus drivers
Written notification to parent	Teachers, student support services personnel
Suspension of other privileges	Principal, Supervisor, or designee
Detention	Principal, Supervisor, or designee
In-School Suspension	Principal
Formal removal from classroom	Teachers, Principal or designee
Short-term (five days or less) suspension	Principal
Long-term (more than five days) suspension from	Officials of the student's home district
BOCES Program exclusion	Officials of the BOCES and the student's home
Permanent suspension from school	Officials of the student's home district

Students may be required to reimburse BOCES as restitution for costs or damages incurred by BOCES resulting from any misconduct.

Parents are powerful partners in a student's behavioral growth and in their child's development of acceptable social skills. BOCES realizes that good communication and informal relations between parents and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated interventions at home and in school provide students with the consistency they need to develop appropriate behaviors. Parents must help the staff by reinforcing positive school behavior and disciplinary consequences. BOCES recognizes that parental involvement in the behavioral process is required for the student to develop the behaviors that will ensure success in the school setting and life. Therefore, it is BOCES' philosophy to provide the parent with regular and early notification by phone or writing when a student's behavior is becoming problematic in addition to the required procedural notifications specified below.

Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the circumstances. In all cases, regardless of the consequence imposed, the authorized BOCES personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts before the consequence is imposed.

Students who receive consequences other than an oral warning, written warning, or written notification to their parents are entitled to additional rights before imposition of the consequence, that are explained below.

Suspension from Extracurricular Activities and Bus Transportation

A student suspended from privileges such as extracurricular activities or transportation is not entitled to a full hearing under Education Law§ 3214. The student and the student's parent/guardian will be provided with a reasonable opportunity to discuss the alleged misconduct with the BOCES official imposing the suspension and the consequences arising from that conduct.

In-School Suspension

BOCES must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. Therefore, building principals may place students who would otherwise be suspended from BOCES as the result of a Code of Conduct violation into in-school suspension. Students will be provided alternative instruction by appropriately certified individuals in accordance with applicable law.

A student subject to an in-school suspension is not entitled to a full hearing under Education Law§ 3214. The student and the student's parent/guardian will be provided with a reasonable opportunity to discuss the conduct and the penalty involved with the BOCES official imposing the in-school suspension. BOCES will notify parents/guardians of their child's placement in in-school suspension in accordance with applicable law.

Detention

After-school or lunch detention may be used as a penalty for student misconduct in situations where removal from the classroom or suspension is inappropriate.

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 manage a student’s behavior and maintain or restore control over the classroom by using appropriate classroom management techniques as listed in this Code.

Suspension from School

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

The Board may suspend students, but places primary responsibility for the short-term suspension of students with the building principal, and, for long-term suspensions, with the home school district. The home school district is also responsible for ensuring the provision of alternative instruction for students who are suspended from a BOCES program. All Career and Technical Education students who are under suspension in their home school will be automatically suspended by BOCES during the time of their home school suspension. Administrators of the home districts will inform BOCES of student suspensions.

All staff members must immediately report and refer a violent student to the principal for violating the Code of Conduct. All recommendations and referrals will be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In these cases, a report will be prepared as soon as possible by the staff member recommending the suspension.

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

1. Short-term (5 days or less) Suspension from School

   BOCES will initiate the suspension of students from one of its programs when other forms of behavior intervention and disciplinary action have failed, unless circumstances otherwise warrant.

   a. Suspension may only be imposed by a principal, for a period of time not to exceed five school days. Suspensions may not be imposed by any other staff member.

   b. The student being suspended must be told of the proposed suspension and the reason for the proposed suspension by the principal/acting principal.

   c. The parents of the student are to be notified in writing of the proposed suspension by personal delivery, express mail delivery, or equivalent means within 24 hours with notification by telephone, where possible.

   d. The student and parent will, on request, be given an opportunity for an informal conference with the principal and complaining witnesses. This notice and opportunity for an informal conference will take place before the suspension 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 will take place as soon after the suspension as is reasonably practicable, or virtually.

   e. A copy of the suspension letter will be placed in the student's file and sent via mail to the student’s home and district office..

   f. The home school district will be notified immediately of the suspension via phone or email..

   g. Upon return to school for reinstatement, the student should be accompanied, if possible, by either or both parents for a reinstatement interview including district personnel as warranted. A phone conference may also be required.

2. Long-term (more than 5 days) Suspension from School

   Principals will refer students to their home districts for disciplinary proceedings where the alleged offense(s) may warrant a suspension of more than five days.

   To facilitate review and action according to the disciplinary procedures established within the home district's Code of Conduct, the BOCES principal will provide appropriate documentation to the appropriate school official of the student's home school district.

   For suspensions in excess of five school days, where the basis for the suspension is, in whole or in part, the possession on BOCES/school grounds or BOCES/school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law 265.01(1), the hearing officer or superintendent

of the student's home school district shall not be barred from considering the admissibility of such weapon, instrument 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. For purposes of this paragraph, items specified in Penal Law 265.01(1) include any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sandbag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star."

X. Minimum Periods of Suspension

As prescribed by law, the following behaviors are serious enough to justify suspension by BOCES of at least five days or referral of students to the home school district for long-term (more than 5 days) suspension from school or permanent suspension:

1. Bringing or possessing a firearm as defined by the Gun Free Schools Act to BOCES

   Any student found guilty of bringing or possessing a firearm, as defined by 18 USC Section 921 and in Section II of this Code of Conduct for purposes· of the Gun-Free Schools Act and its implementing provisions in the New York State Education Law, onto BOCES property or to a BOCES function will be subject to suspension from BOCES by their home school district for at least one calendar year. The student will have an opportunity for a hearing in the home school district in accordance with Education Law§ 3214. The Superintendent of the home school district has the authority to modify the one-year suspension on a case-by-case basis, considering appropriate factors.

2. Committing violent acts

   Any student who is found to have committed a violent act, other than bringing a firearm onto BOCES property as defined by the Gun Free Schools Act, shall be subject to suspension from school for at least five days. A "violent act" is any act that would qualify the student to be defined as a "violent pupil" in accordance with Education Law Section 3214(2) (2-a) and Section II of this Code of Conduct. If a minimum five-day suspension is proposed, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students' subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students' subject to a long-term suspension as per the Code of Conduct of the student's home school district. The District Superintendent of BOCES has the authority to modify the minimum five-day suspension on a case-by-case basis using appropriate factors.

3. Repeatedly and substantially disrupting the educational process or repeatedly and substantially interfering with the teacher's authority over the classroom.

   Any disruptive student may be suspended for at least five days. BOCES will consider whether the student is "repeatedly and substantially disruptive" on four or more occasions during a semester or three or more occasions during a trimester. If a minimum five-day-suspension is proposed, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students' subject to a short-term suspension. If the proposed suspension exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students' subject to a long-term suspension as per the Code of Conduct of the student's home school district. The District Superintendent of BOCES has the authority to modify the minimum five-day suspension on a case-by-case basis using appropriate factors.

XI. Referrals

1. Counseling

   BOCES may make recommendations for counseling evaluations to-appropriate programs.

2. PINS Petitions

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

   a. Being habitually truant.

   b. Behaving in a way that is incorrigible, ungovernable, or habitua11y disobedient and beyond the lawful control of his or her parents, guardian, or lawful custodian.

   c. Knowingly and unlawfully possessing marijuana in violation of Penal Law§ 221.05.

   d. Having been the victim of sexual exploitation, provided he or she consents to the filing.

3. Juvenile Delinquents and Juvenile Offenders

   With the exception of a student 14 or 15 years of age who qualifies for juvenile offender status under Criminal Procedure Law § 1.20(42), the District Superintendent will refer a student under the age of 16 who has been determined to have brought a weapon or firearm to school in violation of Education Law § 3214 to a presentment agency for a juvenile delinquency proceeding. The District Superintendent will refer a student 16 years of age and older or students 14 or 15 years of age who qualifies for juvenile offender status, and who has been determined to have brought a weapon or firearm to school, to the appropriate law enforcement officials. For purposes of this Section of the Code of Conduct, "weapon" means 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 pocketknife with a blade of less than 2-1/2 inches in length. For purposes of this Section of the Code of Conduct, the term "firearm" shall be as defined in Section II of this Code.

4. Law Enforcement

   BOCES building principals, supervisors, or the District Superintendent or designee may notify local law enforcement in the event a violation of this Code constitutes a crime. This notification will be made not later than the close of business the day the principal/ supervisor/acting principal/OS or designee learns of the violation, or as soon as practicable. The notification will identify the student and explain the conduct at issue. As appropriate, BOCES will pursue the filing of criminal charges against the student involved in the misconduct.

XII. Disciplining Students with Disabilities

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

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

Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply:

    a. A "suspension" means a suspension in accordance with Education Law§ 3214(3)(a) through (d).

    b. A "removal" means a removal for disciplinary reasons from the student's current educational placement, other than a suspension, and the 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 or by the home school district for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury.

    c. An "IAES" means a temporary educational placement, other than the student's current placement, at the time the behavior precipitating the IAES placement occurred. A student placed in an IAES will continue to receive educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in his or her Individualized Education Program (IEP). A student who is placed in an IAES will also receive, as appropriate, a functional behavior assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

    d. "Weapon" means any weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.

    e. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act.

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

    g. "Serious bodily injury" means bodily injury which involves (i) a substantial risk of death, (ii) extreme physical pain, (iii) protracted and obvious disfigurement, or (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

2. BOCES personnel may order the suspension or removal of a student with a disability from the student's current educational placement as follows:

    a. The Board, the District Superintendent, or 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 consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

    b. For violations of this Code of Conduct that warrant a suspension of more than five days, or for suspensions that may constitute a change of placement, the building principal will refer such student to his or her home school district.

c. For suspensions in excess of ten days, or suspensions that constitute a disciplinary change in placement, a referral to the student's home school district's CSE/Manifestation Team will be made. Even where a manifestation is found, the superintendent of the home school district may order the placement of a student with a disability in an IAES to be determined by the CSE, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to or at BOCES or school, on BOCES property or to or at a BOCES function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at BOCES or school or at BOCES function, or has inflicted serious bodily injury upon another person while at BOCES, on BOCES property or at a BOCES function.

Change of Placement Rule

BOCES personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal, except where the relevant CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances, or serious bodily injury.

Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of Individuals with Disabilities Education Act (IDEA) and its implementing regulations:

1. BOCES may report a crime committed by a child with a disability to appropriate authorities, and this action will not constitute a change of the student's placement.

2. The District Superintendent will ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent permitted by the Family Educational Rights and Privacy Act.

XIII. Corporal Punishment/Emergency

Corporal punishment as a means of discipline will not be used against a student by any teacher, administrator, officer, employee, or agent of BOCES.

Whenever a BOCES employee uses physical force against a student, the BOCES employee will make an immediate verbal report of the situation to the building principal or supervisor/designee with the written report to follow within 48 hours. The building principal or supervisor/designee will, within the same school day, make an immediate verbal report to the District Superintendent/designee describing in detail the circumstances and the nature of the action taken with the written report to follow within 48 hours.

The District Superintendent will submit a written semi-annual report to the Commissioner of Education, with copies to the Board, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by BOCES authorities during the reporting period, the results of each investigation, and the action, if any, taken by the BOCES authorities in each case.

Emergency Interventions

BOCES believes that the classroom teacher is the key person responsible for the maintenance of acceptable discipline among students. A well-planned program that keeps students occupied with work that is meaningful, engaging, and challenging is the best means of preventing disruptive behavior by students. The Board recognizes, however, that under certain circumstances, a classroom teacher, teacher aide, student support service personnel, supervisor, or administrator may find it necessary to resort to reasonable and prudent physical restraint in maintaining order in or on BOCES property or at a BOCES function.

If alternative procedures and methods which would not involve physical force do not work, however, then the use of reasonable physical force is allowed for the following reasons:

1. To protect oneself from physical injury;

2. To protect another student or teacher or any other person from physical injury;

3. To protect the property of BOCES or of others; or

4. To restrain or remove a student whose behavior is interfering with the orderly exercise and performance of BOCES functions, powers, or duties, if that student has refused to comply with a request to refrain from further disruptive acts, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

These emergency interventions will only be used in situations where alternative procedures and methods not involving the use of reasonable physical force cannot reasonably be employed, and will be used by staff members who are trained in the *Therapeutic Support Interventions for Schools* program. Emergency interventions will not be used as a punishment or as a substitute for systematic behavioral interventions that are designed to change, replace, modify, or eliminate a targeted behavior.

BOCES will maintain documentation on the use of emergency interventions for each student including:

1. Name and date of birth of student;

2. Setting, location, date, and time of the incident;

3. Name of staff or other persons involved;

4. Description of the incident and emergency intervention used, including duration;

5. A statement as to whether the student has a current behavioral intervention plan; and

6. Details of any injuries sustained by the student or others, including staff, as a result of the incident.

This documentation will be reviewed by BOCES supervisory personnel and, if necessary, by the school nurse or other medical personnel.

XIV. Student Searches and Interrogations

The Board is committed to providing an atmosphere for a positive, safe, and orderly school environment. BOCES may conduct routine patrols of parking lots and plain-view inspections of student automobiles while on BOCES property.

In all instances, any search of students or their property must be justified at its inception; there must be reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating the law or BOCES rules. The search must also be reasonably related in scope to the circumstances that justified the interference in the first place.

Factors to be considered in determining whether a search is reasonable at its inception include, but are not necessarily limited to:

1. Nature and reliability of the information received regarding the proscribed activity. An authorized BOCES official may search a student or the student's belongings based upon information received from a reliable informant. BOCES employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Other individuals, other than the BOCES employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, make an admission against their own interest, provide the same information that is received independently from other sources, or appear to be credible and the information they are communicating relates to an immediate threat to safety.

2. The existence of observable phenomena. such as direct observation of use or the physical symptoms of using or being under the influence of illegal controlled substances or alcohol such as slurred speech, disorientation, a pattern of abnormal conduct, or erratic behavior.

The measures adopted in searching a student will be considered reasonable in scope when they are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Lockers and Desks

Lockers and desks are the property of BOCES and are provided for use by students; BOCES administration has the right to search them. A student may have exclusive use of these storage places as far as other students are concerned, but he/she does not have exclusivity over the locker as against the BOCES authorities. Officials who wish to search a closed item (e.g., backpack, purse, etc.) within a locker or desk must have reasonable suspicion to search that item.

Periodic Searches/Screenings

The possession or use of any weapon or dangerous item in schools creates a significant threat to safety as well as an impediment to teaching and learning. BOCES administrative staff (or designee, under the direction of a BOCES administrator), are authorized to use metal detectors and/or metal scanners to the extent determined necessary to protect and promote the safety, health and welfare of students, faculty, staff, employees, and other persons within BOCES schools and programs.

Questioning of Students by School Officials

School officials or designees have the right to question students regarding any violations of school rules or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to. questioning students, staff, parents, or other individuals and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by BOCES officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate BOCES administrator. The student's parent may be contacted; the degree, if any, of parental involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

The questioning of students by BOCES officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by BOCES officials does not negate the right/responsibility of BOCES officials to contact appropriate law enforcement agencies, as may be necessary, with regard to statements given by students to school officials.

BOCES officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials are not required to give 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 questioning students.

Law Enforcement Officials

BOCES will maintain a cooperative effort with law enforcement agencies. Law enforcement officials may be summoned to conduct an investigation of alleged criminal conduct on BOCES property or during a BOCES function, or to maintain the educational environment. They may also be summoned to maintain or restore order when their presence is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary.

Interrogation of Students by Law Enforcement Officials

Generally, law enforcement officials may only interview students on BOCES property or at a BOCES function without the permission of a parent in situations where a warrant has been issued for the student's arrest (or removal) or the questioning concerns a crime committed on BOCES property or at a BOCES function. In all other situations, if the law enforcement officials wish to speak to a student without a warrant, they should directly contact the student's parent.

When law enforcement officials wish to question a student on BOCES property or at a BOCES function, administration will attempt to notify the student's parent.

If possible, questioning should take place in private and outside the presence of other students, but in the presence of the building principal/designee.

Child Protective Services' Investigations

Occasionally, Child Protective Services (CPS) may wish to conduct interviews of students on BOCES property. These interviews generally pertain to allegations of suspected child abuse or maltreatment. The Board encourages cooperation with CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable law.

XV. Visitors to BOCES

The Board encourages parents and other members of the public to visit BOCES schools and classrooms to observe the work of students, teachers, and other staff. Since schools are places of work and learning, however, certain limits must be set for these visits. The building principal or his or her designee is responsible for all persons on BOCES property. For these reasons, the following rules apply to visitors to any BOCES:

1. Anyone who is not a regular staff member or BOCES student is a visitor.

2. All visitors must report to the Main Office or Principal's Office upon arrival. They will be required to sign the visitor's register and follow the prescribed building procedures.

3. Visitors attending BOCES functions that are open to the public, such as parent-teacher meetings or public gatherings, are not required to register.

4. Parents who wish to observe a classroom while school is in session must arrange these visits in advance, provide a rationale for the visit, and gain permission of the building administrator and the classroom teacher.

5. Teachers and student support service personnel will not take class time or related service sessions to discuss individual matters with visitors.

6. Any unauthorized person on BOCES 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 unauthorized person does not respond to requests or directions from BOCES personnel.

7. All visitors are expected to abide by the rules for public conduct on BOCES property contained in this Code of Conduct.

XVI. Public Conduct on BOCES Property

BOCES is committed to providing an orderly, respectful environment. To create and maintain this kind of an environment, it must regulate public conduct on its property and at its functions. For purposes of this section of the Code, "Public" means all persons, other than our students and our staff, when on BOCES property or attending a BOCES function including volunteers, vendors, visitors, contractors, other BOCES staff, and component district personnel.

The restrictions on public conduct on BOCES property and at BOCES functions contained in this Code are not intended to limit freedom of speech or peaceful assembly. BOCES recognizes that free inquiry and free expression are indispensable to the objectives of BOCES. The purpose of this is to maintain public order and prevent abuse of the rights of others.

All persons on BOCES property or attending a BOCES function will conduct themselves in a respectful and orderly manner. In addition, all persons on BOCES property or attending a BOCES function are expected to be properly attired for the purposes for which they are on BOCES property.

Non-exhaustive List of Prohibited Conduct

No person, either alone or with others, will:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy BOCES property or the personal property of a student, teacher, administrator, other BOCES employee, or any person lawfully on BOCES property.
3. Disrupt the orderly conduct of classes, BOCES programs, other BOCES activities, or other BOCES work sites/internship.
4. Distribute materials or demonstrate an appearance on BOCES property or at BOCES functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the BOCES program or BOCES workplace.
5. Intimidate, harass, or discriminate against any person on the basis of race, color, religion, national origin, sex, sexual orientation, gender, gender identity or expression, age, disability, or other legally protected category.
6. Enter any portion of the BOCES property without authorization or remain after regular closing times.
7. Obstruct the free movement of any person in any place to which this Code applies.
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles.
9. Possess, consume, sell, attempt to sell, distribute, or exchange or attempt to distribute or exchange alcoholic beverages, illegal substances, and controlled substances, including drug paraphernalia, or be under the influence on BOCES property or at a BOCES function.
10. Use tobacco and tobacco products on BOCES property unless otherwise authorized by law and applicable BOCES Policy.
11. Use of e-cigarettes, vape pens, and other similar products, which would include those containing nicotine except for current FDA-approved smoking cessation products. (See policy #4550).
12. Possess, display, use, or threaten to use any weapon(s,) as defined in Section II of this Code of Conduct, in or on BOCES property or at a BOCES function, except in the case of law enforcement officers or as specifically authorized by BOCES.
13. Loiter on BOCES property.
14. Refuse to comply with any reasonable order from identifiable BOCES officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.

16. Violate any federal or state statute, local ordinance, or Board policy and the BOCES Code of Conduct, where applicable, while on BOCES property or while at a BOCES function.

Penalties

1. Visitors: are subject to immediate ejection and may be precluded from returning to BOCES property or functions. BOCES may involve law enforcement officials for assistance.

2. Teachers and other BOCES staff: may be disciplined in accordance with this Code of Conduct, applicable law, or their collective bargaining agreements and due process requirements.

3. Contractors and vendors: BOCES will take appropriate action, consistent with the terms of any applicable contract, to ensure the offense is remedied and will not recur. The failure of a contractor or vendor to abide by the terms of this Code of Conduct may affect the renewal of existing agreements or the awarding of future contracts.

Enforcement
The building principal of an instructional site or his or her designee, or the District Superintendent at the Education Campus or his or her designee, is responsible for enforcing the conduct required by this Section of the Code.

When the building principal/administrator/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/administrator/designee will tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal/administrator will also warn the individual of the consequences for failing to stop. If the person still 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/administrator may have the individual removed immediately from BOCES property or the BOCES function. If necessary, local law enforcement authorities may be contacted to assist in removing the person.

BOCES may initiate disciplinary action against any staff member in accordance with this Code, applicable law, collective bargaining agreements, and due process requirements. In addition, BOCES may pursue or assist with a civil or criminal legal action against any person violating this Code of Conduct.

XVII. Dissemination and Review

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

1. Providing a public hearing prior to its approval of the **Code of Conduct**.

2. Providing copies of a summary of the **Code** to all students in an age-appropriate, plain-language version at the beginning of each school year.

3. Providing 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.

4. Providing all current teachers and other staff members with a copy of the **Code** and a copy of any amendments to the **Code** as soon as practicable after adoption.

5. Providing all new employees with a copy of the current **Code of Conduct** when they are first hired.

6. Making copies of the **Code** available for review by students, parents, and other community members.

7. Posting of the **Code of Conduct** on the SWBOCES website.

The Board 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.

Before approving 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.

BOCES will post the complete **Code of Conduct,** with all amendments and annual updates, on its website. BOCES will also file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than 30 days after their respective adoptions.