

[ X ] Required  
 [   ] Local  
 [   ] Notice

**Code of Conduct**

**I. INTRODUCTION**

The Capital Region BOCES Board of Education recognizes that students, parents, teaching staff, counseling staff, administrators, and the board play active and important roles in implementing this code. The Board of Education endeavors to provide a safe and orderly school environment that supports high quality education without disruption or interference. Responsible behavior by students, teachers, other BOCES/district personnel, parents and other visitors is essential to achieving this goal.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, identify the possible consequences of unacceptable conduct, and to ensure that discipline, when necessary, is administered promptly and fairly. To this end, the Board adopts this code of conduct ("code").

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

**II. CODE OF CONDUCT DEFINITIONS/EXPLANATIONS**

<b>Term</b>	<b>Definition/Explanation</b>
Disability	Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
Discrimination	Discrimination means discrimination against any student by a student or students and/or employee or employees on school property or at a school function including, but not limited to, discrimination based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
Disruptive Behavior	A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.
Disruptive Student	An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.
Emotional Harm	Emotional harm that takes place in the context of “harassment or bullying” means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.
Employee	Any person receiving compensation from a BOCES or employee of a contracted service provider or worker placed within the BOCES under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such BOCES, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

Harassment/bullying	<p>The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined by Education Law §11(8), that</p> <ol style="list-style-type: none"> <li>a) 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</li> <li>b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or</li> <li>c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or</li> <li>d) Occurs off 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 school property.</li> </ol> <p>For purposes of this definition, the terms “threats, intimidation or abuse” shall include verbal and non-verbal actions.</p> <p>“Cyberbullying” means harassment/bullying, as defined above, through any form of electronic communication. Cyberbullying may include among other things, the use, both on and off school property, of electronic technology, including but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others.</p> <p>Acts of harassment and bullying that are prohibited include those acts based upon a person’s actual or perceived:</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• Weight</li> <li>• National origin</li> <li>• Ethnic group</li> <li>• Religion</li> <li>• Religious practice</li> <li>• Disability</li> <li>• Sex</li> <li>• Sexual orientation</li> <li>• Gender (which includes a person’s actual or perceived sex, as well as gender identity and expression).</li> </ul> <p>This is not an exclusive list.</p>
Gender	Actual or perceived sex and shall include a person’s gender identity or expression.
Gender Expression	The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.
Gender Identity	One’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
ISS	In School Suspension
OSS	Out of School Suspension
Parent	A parent, guardian or person in parental relation to a student.
SAVE	Safe Schools Against Violence in Education – New York State’s violence prevention law.
Sexual Orientation	The actual or perceived heterosexuality, homosexuality, or bisexuality.
School Bus	Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from BOCES or BOCES activities.

Sexual Orientation	Actual or perceived heterosexuality, homosexuality or bisexuality.
School function	Any school sponsored extra-curricular event, activity, or field trip on or off campus.
School property	In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
*VADIR	Violent and Disruptive Incident Reporting – New York State Education uniform reporting system for violent incidents
Violent Student:	<p>Any students who:</p> <ol style="list-style-type: none"> <li>1. Commits an act of violence upon a school employee, or attempts to do so</li> <li>2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.</li> <li>3. Possesses, while on school property or at a school function, a weapon.</li> <li>4. Displays, while on school property or at a school function, what appears to be a weapon.</li> <li>5. Threatens, while on school property or at a school function, to use a weapon.</li> <li>6. Knowingly and intentionally damages or destroys the personal property of any school employee or any other person on school property or at a school function.</li> <li>7. Knowingly and intentionally damages or destroys school property.</li> </ol>
Weapon	Any firearm as defined in § 18 USC 921 for purposes of the Gun-Free School Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, object, material or substance that is used to cause physical injury or death to another person.

**III. ESSENTIAL PARTNERS**

As required by Commissioner’s Regulations 100.2(l)(2)(ii)(a), the Code addresses the roles of parents teachers, administrators, other school personnel, and the board of education as follows:

**A. Parents**

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to optimize their child’s educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Ensure their children are dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

## B. Teachers

All teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

## C. Guidance Counselors

All guidance counselors are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/ student/ counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

## D. Other School Personnel

All other school personnel are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

## E. Principals/Administrators

All Principals/Administrators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
7. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.

## F. The Dignity Act Coordinator(s)

All dignity act coordinators are expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Coordinate, with the Professional Development Committee, training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.

6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.

The name and contact information of the DACs are as follows:

Special Education:

Principal – Maywood School (518) 464-6363  
 Principal, Rotterdam Academy I (518) 464-6302  
 Principal, Rotterdam Academy II (518) 464-6307  
 Alternate – Deputy Director (518) 464-6300

Career and Technical Education:

Principal Schoharie (518) 295-3000  
 Alternate – Guidance Counselor (518) 295-3003  
 Principal Albany (518) 862-4800  
 Alternate – Assistant Principal, Albany (518) 862-4800

G. District Superintendent

The district superintendent is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline
3. Review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.

H. Board of Education

The board of education is expected to:

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. 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, district personnel and visitors on school property and at school functions.

5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.

#### IV. STUDENT RIGHTS AND RESPONSIBILITIES

##### A. Student Rights

The bill of rights and responsibilities of all students shall be placed in the student handbook and made available to all students. In addition, this information will be explained to all students on an annual basis. The BOCES/district endeavors to safeguard the rights given to all students under state and federal law and BOCES policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all BOCES/district students have the right to:

1. Take part in all BOCES/district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access BOCES policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

##### B. Student Responsibilities

All BOCES/district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by BOCES/district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless legally excused and be in class, on time, prepared to learn, and comply with the attendance policy established by the Capital Region BOCES.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the BOCES/district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

**V. Student Dress Code**

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other BOCES/district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. Attire that is disruptive to the educational process is prohibited.

Exceptions may be made to the Dress Code for religious, cultural, or medical reasons. This exception shall be authorized prior to the occurrence of a dress code violation.

**VI. STUDENT CONDUCT**

Students and staff are expected to work together in an atmosphere of respect to ensure a safe and productive learning environment. The following chart applies to conduct at all times including school functions, including, but not limited to, those off campus, i.e., field trips, conferences and competitions.

Administrators at the Capital Region BOCES retain discretion to reduce or augment the recommended penalties enumerated below if mitigating or exacerbating factors and/or the student’s anecdotal record of prior offenses warrant the consideration. It is impossible to identify all types of offenses and penalties. If a student is insubordinate or disorderly in a manner not specifically enumerated below, it will be treated within the context of the overall policy. Reference may be made to Education Law §2801.

BOCES staff are expected to cooperate with local school districts and parents in the event they are called upon to participate in legal proceeding involving action of BOCES students.

The range of penalties may include, but is not limited to:

1. Verbal warning	7. Suspension of other privileges
2. Written warning	8. In-school suspension
3. Verbal or written notification to parent	9. Removal from classroom by teacher
4. Lunch detention	10. Suspension from school
5. Suspension from social or extracurricular activities	11. Permanent suspension from BOCES
6. Parent conference	

\*Denotes items that are VADIR reportable

OFFENSE	1 <sup>ST</sup> Occurrence	2 <sup>ND</sup> Occurrence	3 <sup>RD</sup> Occurrence
Tardiness to school or class	Three + offenses, referral to administrator, parent phone contact; home school notification	Four – Five offenses, ISS, possible revocation of parking privileges.	Subsequent offenses treated as repeated insubordination.
Misuse of Hall Pass	Verbal Warning	Component School and parent notified	Administrator referral; One day ISS and parent contact; subsequent offenses treated as repeated insubordination
Excessive display of affection	Verbal Warning	Component School and parent notified	One day ISS, Component School and parent contact
Disruptive Behavior	<i>A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.</i>		
	Parent notified, Component school notification; 1-5 days ISS	Component School and parent notified and 1-5 days ISS	Component School and parent notified; 1-5 day ISS; parent conference; 1-5 days OSS



OFFENSE	1 <sup>ST</sup> Occurrence	2 <sup>ND</sup> Occurrence	3 <sup>RD</sup> Occurrence
Unauthorized Use of Electronic Communication Device	<i>Use of electronic communication devices during school hours is prohibited. Cell phones must be silenced at all times. Electronic communication devices shall not be used to deliberately harass, threaten or intimidate others.</i>		
	Verbal Warning	Confiscation of device	Administrator referral, 1-5 days ISS/OSS, subsequent offenses treated as repeated insubordination
Cutting Class	<i>Missing or skipping a class</i>		
	Administrator referral, verbal warning, parent contact	Verbal warning, Administrator referral; parent contact, Component School contact, ISS	Verbal warning Administrator referral; parent conference, Component School contact, ISS
Dress Code Violation	<i>Students are expected to dress according to the requirements of their program. Additionally, dress, grooming and appearance must be safe, appropriate and not disrupt or interfere with the educational process. The intent of the dress code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society.</i>		
	Administrator referral, verbal warning, change of clothing	Administrator referral, parent contact, change of clothing, ISS	Administrator referral; ISS or OSS and parent conference; subsequent offenses treated as repeated insubordination
Driving without a permit; Unauthorized passengers	Administrator referral, verbal warning, component school notification, parent contact	Administrator referral; loss of driving privileges, parent contact; ISS	Administrator referral; ISS/OSS, loss of driving privileges, parent contact; subsequent offenses treated as repeated insubordination
Inappropriate Computer Usage as per BOCES acceptable use Board Policy #5095	Administrator referral, verbal warning, parent contact	Administrator referral, loss of computer privileges, parent contact	Administrator referral; complete loss of computer privileges, ISS/OSS, subsequent offenses treated as repeated insubordination
Truancy	<i>Missing school without a legal excuse</i>		
	Component School and parent notified	Component School and parent notified, 1 – 5 days ISS	Administrator referral; 1 -5 days ISS; parent conference; possible dismissal hearing
Cheating/Plagiarizing in Class/Exams	“0” on assignment, Component School and parent notified	Administrator referral; Component School and parent notified; 1 -5 days ISS	Administrator referral; 1-5 days OSS; possible dismissal hearing
Gambling	Administrator referral; verbal warning, parent contact	Treat as Insubordination	Treat as Insubordination
Insubordination	<i>Refusing to follow a staff member’s direction; talking back; being deliberately or socially rude, expressing disrespect toward any BOCES employee, or becoming argumentative with any BOCES employee.</i>		
	Administrator referral, 1 -3 day ISS or OSS and parent contact	Administrator referral; Component School and parent conference; 1-5 days ISS or OSS; possible dismissal hearing	Administrator referral; 1-5 days OSS; Component School and parent contact, possible dismissal hearing
Profanity/Abusive language	Administrator referral; verbal warning and/or possible ISS	Administrator referral; Component School and parent notified; ISS or OSS and parent conference	Administrator referral; OSS; Component School and parent notified; possible dismissal hearing

<b>OFFENSE</b>	<b>1<sup>ST</sup> Occurrence</b>	<b>2<sup>ND</sup> Occurrence</b>	<b>3<sup>RD</sup> Occurrence</b>
Profanity/Abusive Language directed at staff	Administrator referral, 1-3 days ISS/OSS; parent contact	Administrator referral; Component School and parent notified; 3 + days OSS, parent conference	Administrator referral; 3 + days OSS; Component School and parent notified; possible dismissal hearing
Use of Tobacco or electronic cigarettes on School Grounds or During School Function	Administrator referral; verbal warning, parent contact	Administrator referral; 1 -3 days ISS/OSS, parent conference, Component School and parent notified	Administrator referral; 3-5 days ISS/OSS, Component School notified and parent conference, possible dismissal hearing
Forging Notes	Administrator referral; Component School and parent notified; One day ISS	Administrator referral; Component School and parent notified; ISS/OSS	Administrator referral; Component School and parent notified; ISS/OSS
Leaving School Grounds without written consent or BOCES permission	Administrator referral; Component School and parent notified; 1 day ISS	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS	Administrator referral; Component School and parent notified; 3+ days ISS/OSS
*Minor Altercation	<i>Involving physical contact and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.</i>		
	Administrator referral; Component School and parent notified; 1-5 days ISS/OSS	Administrator referral; Component School and parent notified; 1-5 days ISS/OSS	Administrator referral; Component School and parent notified; 3-5 days OSS; possible dismissal hearing
*Reckless Endangerment	<i>Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.</i>		
	Administrator referral; Component School and parent notified; 1-5 days OSS	Administrator referral; Component School and parent conference; 1-5 days OSS and possible dismissal hearing	Administrator referral; Component School and parent conference; 1-5 days OSS and possible dismissal hearing
Dangerous Action	<i>Any action that is considered dangerous or unsafe, but does not meet the criteria of other offenses. Such misconduct includes off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the educational process in the BOCES or at a BOCES function. Off-campus misconduct includes, but is not limited to, threatening or harassing students or school personnel through any means off-campus, including cyberbullying (for a complete definition of harassment, bullying and cyberbullying refer to policy 0115, Student Harassment and Bullying Prevention and Intervention).</i>		
	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS	Administrator referral; Component School and parent notification; 1-5 days ISS/OSS and possible dismissal hearing	Administrator referral; Component School and parent conference; 1-5 days OSS and possible dismissal hearing
Violent Student	<i>Any action by a student that is violent in nature, but does not meet the criteria of the other offenses.</i>		
	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS	Administrator referral; Component School and parent notification; 1-5 days ISS/OSS and possible dismissal hearing	Administrator referral; Component School and parent conference; 1-5 days OSS and possible dismissal hearing

OFFENSE	1 <sup>ST</sup> Occurrence	2 <sup>ND</sup> Occurrence	3 <sup>RD</sup> Occurrence
*Criminal Mischief	<i>Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property</i>		
	Administrator referral; Component School and parent notified; ISS, restitution	Administrator referral; ISS/OSS, restitution and parent conference	Administrator referral; ISS/OSS, restitution and parent conference; possible legal action
*Assault with Physical Injury	<i>Intentionally or recklessly causing physical injury to another person</i>		
	Administrator referral; Component School and parent notified; 1-3 days OSS; notification of authorities and/or law enforcement	Administrator referral; Component School and parent notified, 3+ days OSS; dismissal hearing; notification of authorities and/or law enforcement	Administrator referral; Component School and parent notified, 3+ days OSS; dismissal hearing; notification of authorities and/or law enforcement
*Assault with Serious Physical Injury	<i>Intentionally or recklessly causing serious physical injury to another person</i>		
	Administrator referral; Component School and parent notified; 5 days OSS, notification of authorities and/or law enforcement, dismissal hearing		
*Possession, Use, Distribution of Weapon	<i>Bringing a weapon or possessing a weapon at school, which may include a pocket, pen or other knives, look alike fake weapons, or other devices, instruments, materials or substances (“Other Items”) that can cause physical injury or death when used to cause physical injury or death or, when such Other Items are brandished as a weapon.</i>		
	Administrator referral; Component School and parent notified, 1-5 days OSS, notification of authorities and/or law enforcement; possible dismissal hearing	Administrator referral; Component School and parent notified, 1-5 days OSS, notification of authorities and/or law enforcement; possible dismissal hearing	
*Larceny or Other Theft Offenses	<i>Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.</i>		
	Administrator referral; Component School and parent notified; ISS/OSS; notification of authorities and/or law enforcement, restitution/ payment	Administrator referral; Component School and parent notified; ISS/OSS; notification of authorities and/or law enforcement, restitution/ payment	Administrator referral; Component School and parent notified; ISS/OSS; notification of authorities and/or law enforcement, restitution/ payment, possible dismissal hearing

OFFENSE	1 <sup>ST</sup> Occurrence	2 <sup>ND</sup> Occurrence	3 <sup>RD</sup> Occurrence
*Use, Possession, sale, distribution of Drugs, including Synthetic Cannabinoids (Marijuana) or Alcohol	<i>Illegally using or possessing alcohol or a controlled substance on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol or a controlled substance, including look-alikes and synthetic cannabinoids (marijuana), and prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others. A student shall be considered "under the influence" if he or she has consumed an illegal substance or alcohol within a time period reasonably approximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function.</i>		
	Administrator referral; Component School and parent notified; notification of authorities and/or law enforcement, 1-5 days OSS, possible dismissal hearing	Administrator referral; Component School and parent notified; notification of authorities and/or law enforcement, 1-5 days OSS, possible dismissal hearing	Administrator referral; Component School and parent notified; notification of authorities and/or law enforcement, 5 days OSS, dismissal hearing
Possession of drug paraphernalia	Administrator referral, Component School and parent notified, notification of authorities and/or law enforcement, 1 -5 days OSS	Administrator referral, Component School and parent notified, notification of authorities and/or law enforcement, 1 -5 days OSS, possible dismissal hearing	Administrator referral, Component School and parent notified, notification of authorities and/or law enforcement, 1 -5 days OSS, possible dismissal hearing
*Intimidation, Harassment, Menacing, Bullying	<i>Threatening, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex. Discrimination and harassment against any student by employees or students on school property or at a school function that creates a hostile environment by conduct with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe nature that: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or (2) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.</i>		
	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS; notification of authorities and/or law enforcement	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing
*Hazing	<i>Induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.</i>		
	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS; notification of authorities and/or law enforcement	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing

OFFENSE	1 <sup>ST</sup> Occurrence	2 <sup>ND</sup> Occurrence	3 <sup>RD</sup> Occurrence
*Discrimination	<i>Discrimination against any student by a student or students and/or employee or employees on school property or at a school function including but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.</i>		
	Administrator referral; Component School and parent notified; 1-3 days ISS/OSS; notification of authorities and/or law enforcement	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing	Administrator referral, Component School and parent notified; 1-5 days ISS/OSS; notification of authorities and/or law enforcement; possible dismissal hearing
*Sexual Offenses	<i>Voluntary or forcible inappropriate sexual contact</i>		
	Administrator referral; Component School and parent notified, 1-5 days OSS, notification of authorities and/or law enforcement; possible dismissal hearing	Administrator referral; Component School and parent notified, 1-5 days OSS, notification of authorities and/or law enforcement; possible dismissal hearing	
*False Alarm	<i>Falsely activating a fire alarm or other disaster alarm</i>		
	Administrator referral; Component School, parents and authorities notified, OSS, dismissal hearing	Administrator referral; Component School, parents and authorities notified, OSS, dismissal hearing	
*Arson *Bomb Threat  *Burglary *Robbery *Homicide *Kidnapping	<i>Deliberately starting a fire. A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property. Entering or remaining unlawfully on school property with intent to commit a crime. Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon. Any conduct that results in the death of another person To abduct a person so as to restrain such person with intent to prevent his or her liberation</i>		
	Administrator referral; Component School and parent notified; OSS; notification of authorities and/or law enforcement, dismissal hearing		

Students may be subject to disciplinary action, up to and including suspension or removal from school when they engage in the following behaviors defined above:

Bullying, Discrimination, Hazing, Harassment, and Cyberbullying.

Disciplinary action will include a measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. The remedial responses will focus the discipline on discerning and correcting the reasons why discrimination, harassment and bullying occurred. The remedial responses will be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures include, but are not limited to:

peer support groups;  
 assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;  
 corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;  
 engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;  
 supportive intervention and/or mediation where constructive conflict resolution is modeled;  
 behavioral assessment or evaluation;  
 behavioral management plans or behavior contracts, with benchmarks that are closely monitored;  
 student counseling and parent conferences that focus on involving persons in parental relation in discipline issues.

In addition, the staff at Capital Region BOCES recognizes that working with students and parents and strengthening their social emotional skills and abilities can have a positive impact on student behavior. To that end, school counselors and social workers will provide interventions and supports and when indicated through assessment and collaboration with significant others will provide referral to community based human services resources.

## **VII. Reporting Violations**

At all times, complaints will be documented, tracked and handled in accordance with Board Policy 115. BOCES will comply with Violent and Disruptive Incident Reporting and will periodically evaluate the Code of Conduct based on review of VADIR Report and materials provided by administration.

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

The Board of Education recognizes that it may become necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. Additionally, the Board of Education recognizes that a student may be “presumed to have a disability” if the LEA (Local Educational Agency) or the IEA (Intermediate Educational Agency – or BOCES in New York) is deemed to have knowledge that the student had a disability that was not formally identified. This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly deemed applicable by federal and state laws and regulations.

- A. Authorized Suspensions or Removals of Students with Disabilities (or presumed to have a disability)
  1. Students identified as having a disability or presumed to have a disability may be suspended or removed from school in a manner consistent with Part 200 and Part 201 of the Regulations of the Commissioner of Education for The State of New York.
  2. A new and revised version of Part 200 and Part 201 will be distributed to all BOCES principals each year in conjunction with a training and update on these policies. All new Principals will receive the training as part of their orientation to BOCES.
- B. An outline of Disciplinary Procedures for Students with Disabilities
  1. Students identified as having a disability or presumed to have a disability may be suspended up to five days should the judgment of the principal, superintendent or the Board of Education determine this to be an appropriate response to a student’s actions.
  2. During any suspension lasting five days or less, the student may have a right to be provided with alternate instruction pursuant to education law 3214(e) on the same basis as non-disabled students. Component BOCES/districts will be notified concerning the necessity of providing alternative educational services to students with disabilities or

presumed to have a disability. Additionally, during any suspension, students with disabilities shall be provided services to the extent required under the Individuals with Disabilities Education Act.

3. If a student identified as having a disability or presumed to have a disability is suspended for a period of five consecutive days, or a period of time totaling more than five days over multiple suspensions, a superintendent's hearing may be convened if the suspension or suspensions are based on the same behavior pattern. Following the superintendent's hearing, the CSE will meet to determine if the student's behavior was a manifestation of the student's disability. This determination provides the superintendent with direction as to how to carry out the punishment phase of disciplinary action (see Part 201.9). If a student with a disability or presumed to have a disability is suspended for five consecutive days or multiple times totaling five or more days based on different behaviors, the CSE must meet to create or revise a Functional Behavior Analysis and Behavior Intervention Plan.
4. All suspensions of Students with Disabilities will require that the school, parent and CSE perform a Functional Behavior Analysis and design and implement a Behavior Intervention Program. This must be done immediately following a suspension and with the signed consent of the parent.
5. Misconduct of a student with a disability or presumed to have a disability that involves weapons, illegal drugs or controlled substances may result in a suspension of up to 45 days, but not to exceed the length of time a non-disabled student would be suspended for the same offense under the school's discipline policy.
6. An Interim Alternative Educational Placement (IAES) will be determined by the CSE in all cases involving suspensions of students with disabilities or students presumed to have a disability.
7. Students with Disabilities or presumed to have a disability that receive multiple suspensions totaling more than ten days during a school year that do not constitute a disciplinary change in placement will be provided with program changes through their CSE that constitute new and significant changes to their IEP designed to assist in ameliorating the behavior subject to suspension.
8. Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations:

- a. The BOCES/district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- b. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.

**IX. STUDENT INTERROGATIONS AND SEARCHES**

The Board of Education endeavors to provide an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the BOCES/district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes administrators to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the BOCES/district code of conduct.

An authorized school administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

The rules in this code regarding searches of students and their personal belongings do not apply to student lockers, desks, and other school storage places which are school property. School property may be searched at any time by school officials, without prior notice to students and without their consent.

Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Administrators are permitted to look at the screen of the cell phone and must confer with the District Superintendent, his or her designee, or the school attorney before requesting the student's cooperation to search the cell phone further. Administrators should not request the student's cooperation to undertake a more extensive search until conferring with the District Superintendent, his or her designee, or the school attorney for guidance.

No BOCES employee may give consent for police questioning of students; only a student's parents may authorize police questioning, unless police officials have:

1. A court order, or a search warrant or an arrest warrant; or
2. Probable cause to believe a crime has been committed on BOCES property or at a BOCES function.

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

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

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



**X. VISITORS TO THE SCHOOLS**

The Board encourages parents and other citizens to visit the schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a staff member or student of the school will be considered a visitor.
2. All visitors to classrooms must report to the Main Office upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Main Office before leaving the building.
3. Principals have the discretion to waive the sign-in requirement for special events.
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s).
5. Teachers shall not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property must be reported by any person to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors must abide by the rules for public conduct on school property contained in this code of conduct.

**XI. Public Conduct on School Property**

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

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

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

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

#### A. Penalties

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

1. Visitors. Their authorization to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and criminal charges for trespassing may be lodged.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Employees. They shall be subject to discipline, up to and including dismissal from employment, as allowed by law or by contract.

#### B. Enforcement

The Principal or his/her designee(s) shall be responsible for enforcing the provisions of this code.

When the Principal or his or her designee(s) sees an individual engaged in conduct which is prohibited under this code and which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school

property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

**XII. Dissemination and Review**

A. Dissemination of Code of Conduct

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

1. Providing copies of an age appropriate, plain language, summary of the code to all students in the CTE and Special Education Student Handbooks.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request and by placing on the BOCES website.
3. 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 through posting on the BOCES website.
4. Providing all new teachers with a hard copy of the current code of conduct when they are first hired.

B. 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.

Upon adoption or amendment of this code, a copy shall be filed with the Commissioner of Education within 30 days.

Prior to adoption, the code will be reviewed first by members of Labor Management and then at a public meeting to coincide with the adoption of the Code of Conduct to include participation of school personnel, parents, students and any interested party. This meeting will precede the regularly scheduled meeting of the Board of Education scheduled for June 20, 2016. An in-service education program for all BOCES/district staff members to ensure the effective implementation of the code of conduct will be offered annually. On-going professional development will be included in the district's professional development plan, as needed.

The Capital Region BOCES will maintain a copy of the current Code of Conduct at its website: [www.capregboces.org](http://www.capregboces.org).

- Adoption date: August 29, 2011
- Amended: May 21, 2012
- Amended: July 15, 2013
- Amended: May 19, 2014
- Amended: June 15, 2015
- Amended: June 20, 2016