



First Supervisory District of Suffolk County
201 Sunrise Highway
Patchogue, New York 11772

Regulation

Code of Conduct

TABLE OF CONTENTS

- I. INTRODUCTION..... 3**
- II. DEFINITIONS..... 4**
- III. STUDENTS’ RIGHTS AND RESPONSIBILITIES..... 11**
 - A. Students’ Rights 11
 - B. Students’ Responsibilities 11
- IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE LEARNING ENVIRONMENT .. 12**
 - A. Parents/Guardians..... 12
 - B. Teachers..... 13
 - C. Paraeducators..... 15
 - D. Student Support Service Employees 15
 - E. Building Administrators/Principals 17
 - F. Other ESBOCES Employees..... 18
 - G. Directors and Divisional Administrators of Instructional Programs 19
 - H. Other Administrative, Managerial, and Technical Staff 20
 - I. Chief Operating Officer and the Board 21
 - J. Dignity Act Coordinators 22
- V. STUDENT DRESS CODE 22**
- VI. PROHIBITED STUDENT CONDUCT 23**
 - A. Disorderly Conduct 24
 - B. Insubordinate Conduct 25

C. Disruptive Conduct	25
D. Violent Conduct	25
E. Conduct that Endangers the Safety, Morals, Health, or Welfare of Others	28
F. Misconduct While on a School Bus	30
G. Academic Misconduct	30
G. Misconduct Off ESBOCES Property That Interferes with the Educational Process	31
VII. DISCIPLINARY CONSEQUENCES AND PROCEDURES	31
A. Disciplinary Consequences	32
B. Procedures	34
i. Suspension from Transportation	35
ii. Suspension from Other Privileges	35
iii. Formal Removal of Disruptive Students by a Teacher	35
iv. Suspension from ESBOCES	39
v. Referrals.....	43
VIII. STUDENT SEARCHES AND INTERROGATIONS	44
IX. VISITORS TO ESBOCES.....	44
X. ESBOCES EMPLOYEES	45
XI. PUBLIC CONDUCT ON ESBOCES PROPERTY	45
A. Prohibited Conduct	45
B. Consequences	47
C. Enforcement.....	47
XII. PROHIBITION OF RETALIATION.....	46
XIII. DISSEMINATION AND REVIEW.....	48
A. Dissemination of Code of Conduct	48
B. Review of Code of Conduct.....	48

I. INTRODUCTION

Eastern Suffolk BOCES is committed to providing a safe and orderly educational environment where students receive and ESBOCES employees deliver quality educational services without disruption or interference. ESBOCES is also committed to maintaining a climate of mutual respect and dignity to promote learning within a safe environment. Responsible behavior by students, teachers and other ESBOCES employees, parents/guardians, vendors, and visitors is essential to achieving these goals.

The ESBOCES Board has a long-standing set of expectations for conduct on ESBOCES Property, at ESBOCES Functions, and while traveling to and from ESBOCES centers and ESBOCES events. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, as well as the following ESBOCES beliefs:

- We are a diverse community of reflective, life-long learners.
- Our community is a valuable resource entitled to the highest quality instruction and equitable service.
- Respect, honesty, and trust are essential in all our interactions.
- Integrity, continuous assessment, high standards, and innovation are the foundation of organizational success.
- The integrity and high standards of our educational programs are reflected in our students and provide them with the skills they need to become responsible citizens and useful members of society.
- Successful organizations create effective operational systems and depend upon individuals who take responsibility for their actions, are accountable for the programs and services they deliver, and use all their energies to fulfill the expectations of those who count on them.
- Effective communication of accurate information within ESBOCES and to all our stakeholders enhances involvement and reduces conflict.
- Production of quality outcomes depends on the collective effort of a well-trained, motivated, and healthy workforce encouraged to express their opinions.
- Everyone has the right to a safe, healthy, and caring environment which fosters respect and high expectations, maximizes potential, motivates interest and enthusiasm, and encourages the pursuit of happiness.

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

Unless otherwise indicated, this Code applies to all students, ESBOCES employees, parents/guardians, and visitors when on ESBOCES Property or attending an ESBOCES Function.

II. DEFINITIONS

For purposes of this Code, the following definitions apply.

"Behavior Intervention Room (BIR)" means a special location or room within an ESBOCES center that is used for students who need to be temporarily placed in an environment more conducive to their needs in order to gain composure or avoid a potential problem. A BIR is separate from the classroom, has continual adult supervision, and utilizes logs to indicate the length of time a student is in a BIR. A BIR is utilized to assist the student in behavior change that will enable the student to return to the classroom. Use of a BIR in any particular program reflects the management needs of that particular student population. State Education Department Guidelines on the use of time-out rooms are utilized in developing building procedures with regard to a BIR.

"Behavior Management System" means a process or system of consequences for behavior that is developed by employees in a particular building or program and used by employees and students in order to monitor and improve student behavior. Point accumulation, levels, and rewards are all part of a typical behavior management system, especially within the ESBOCES special education programs.

"Bias Offense" means an attack on or offense against an individual or his/her property in which the individual is targeted on the basis of his/her race, color, religion, gender, disability, or sexual orientation.

"Building" means the physical site where a program's services are delivered to students. ESBOCES usually refers to buildings as "centers."

"Building Administrator/Principal" means a certified administrator who is responsible for the supervision and management of an ESBOCES center.

"Bullying" means a variety of negative acts involving real or perceived imbalance of power, with a more powerful individual or group attacking those who are, or are perceived to be, less powerful. Bullying can take three (3) forms:

1. physical (including, but not limited to, hitting, kicking, spitting, pushing, and taking personal belongings);
2. verbal (including, but not limited to, taunting, malicious teasing, name calling, extortion, and making threats, whether orally or in writing); and
3. psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

“Color” refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“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 harassing, teasing, intimidating, threatening, extorting, or terrorizing another student or employee by way of any technological tool (**including, but not limited to**, sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, **including, but not limited to**, blogs, chat rooms, and social networks such as Facebook, Twitter, and MySpace). Cyberbullying is an attempt to display power and control over someone perceived as weaker, may occur on and off ESBOCES Property, and may involve student use of the ESBOCES Internet system or student use of personal digital devices such as cellular telephones, digital cameras, and personal computers. Cyberbullying has the effect of:

1. physically, emotionally, or mentally harming an individual;
2. placing an individual in reasonable fear of physical, emotional, or mental harm;
3. placing an individual in reasonable fear of damage to or loss of personal property; and
4. creating an intimidating or hostile environment that substantially interferes with the mission of ESBOCES.

“Disability” means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical and (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, (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.

“Disciplinary Change in Placement” means a long-term suspension or removal by the home school district of a student with a disability from his/her current educational placement either for more than ten (10) consecutive school days or for a period of ten (10) consecutive school days or less if the student is subjected to a series of suspensions or removals constituting a pattern because they amount to more than ten (10) school days in a school year.

“Discrimination” is discrimination against any student by a student or students and/or employee or employees on ESBOCES Property or at an ESBOCES 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.

“Disruptive Student” means a school-age student who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority

occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

"Electronic Communications Devices" includes, but is not limited to, radios, CD players, cellular telephones, tape recorders, laptops, computers, and any assistive or augmentative devices which assist in communications. Some of these devices are used in the education process, but only if and when provided by ESBOCES or the student's home school district as specified in the student's educational program.

"Employee" means any person receiving compensation from ESBOCES or an employee of a contracted service provider, whereby such services performed by such person involve direct student contact.

"ESBOCES Function" means any ESBOCES-sponsored extracurricular event or activity, regardless of where such event or activity takes place, including another State.

"ESBOCES Property" means any building, structure, athletic playing field, playground, parking lot, or land owned or leased by ESBOCES.

"ESBOCES School Bus" means every motor vehicle owned, and operated for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from an ESBOCES center or ESBOCES Function, or privately owned and operated for compensation for the transportation of students, teachers, and other persons acting in a supervisory capacity, to or from an ESBOCES center or ESBOCES Function.

"Ethnic Group" means a group of people who identify with each other through a common heritage, including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

"Formal Removal by Teacher" means the action by a certified teacher to have a disruptive student removed from the classroom. Time-honored classroom management techniques for controlling student behavior, defusing a situation, and/or preventing a crisis, which may involve brief periods of time spent out of the classroom, are not considered "Formal Removal by a Teacher" for purposes of this Code.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression and means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. ("masculine" and "feminine" denote "gender.")

"Gender Expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

"Gender Identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Harassment" includes a communication (verbal, written, electronic, or graphic) and/or physical conduct based on an individual's actual or perceived race; color; weight; religion or creed; religious practice, national origin; gender (identity and expression); ethnic group; ancestry; political affiliation; citizenship; pregnancy; sexual orientation; sex; age; marital status, military or

veteran status; genetic predisposition or carrier status, use of a recognized guide dog, hearing dog, or service dog; or disability; harassment is also the creation of a hostile environment (see Board Policies 6218 and 6560 for more complete definitions);

"Illegal Substances" includes, but is not limited to, inhalants, marijuana, synthetic cannabinoids (marijuana), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."

"Individualized Education Program (IEP)" means a written statement developed, reviewed and revised in accordance with §200.4 of the Regulations of the Commissioner that includes the components specified in §200.4(d)(2) of the Regulations to be provided to meet the unique educational needs of a student with a disability.

"Individuals with Disabilities Education Improvement Act of 2004 (IDEA)" means the Federal laws related to the education of students with disabilities.

"Itinerant Teacher" means a certified staff member not assigned to one program or building who provides specialized services, such as hearing, vision, or other educationally related services or special subject content such as physical education, art, music, or language instruction (i.e., Spanish) to students. These teachers usually travel to various ESBOCES centers or district sites in order to deliver specialized services or curricula to students. Itinerant teachers are expected to adhere to the parameters for discipline of each building and/or program when working with students attending that location.

"Long-Term Suspension" means a suspension that exceeds five (5) consecutive school days.

"Manifestation Determination" consists of a review of the relationship between a student's disability and the behavior subject to disciplinary action. Its purpose is to determine whether the conduct in question was caused by or had a direct and substantial relationship to the student's disability or was the direct result of the failure of ESBOCES to implement the student's individualized education program. A review by the Committee on Special Education (CSE) of the student's home school district must be made immediately, if possible, but no later than ten (10) school days after an authorized ESBOCES authority makes a decision to either place the student in an interim alternative educational setting or imposes a suspension that constitutes a disciplinary change of placement.

"Material Incident" (of discrimination, harassment, bullying, and/or cyberbullying) means a single verified incident or a series of related verified incidents where a student is subjected to discrimination, harassment, bullying, and/or cyberbullying by a student and/or employee on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation, or abuse (verbal or non-verbal), of such severe or pervasive nature that it:

- 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

- reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, including a verified incident or series of related verified incidents of harassment or bullying that occur off ESBOCES Property, and is the subject of a written or oral complaint to the District Superintendent, Principal, or designee, or other ESBOCES employee. Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, provided that nothing herein shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law §§3201-a or 2854(2)(a) and Title IX Of the Education Amendments of 1972 (20 USC §1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under §504 of the Rehabilitation Act of 1973.

“National Origin” means a person's country of birth or ancestor's country of birth.

"Non-Violent Crisis Intervention" means those techniques that enable employees to maintain control in an unlimited number of crisis situations through calm, confident actions that help employees defuse the disruptive student and reduce the chance for physical injury to those present. In non-violent crisis intervention, the emphasis is always on the employees' primary responsibility, which is the care, welfare, safety, and security of ESBOCES students and employees. Physical restraint is only used when all verbal and paraverbal techniques have been exhausted and the student's actions are escalating toward physical aggression. Even when physical control is used, it is used in a way that controls and protects students.

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

"Other ESBOCES Employees" means non-pedagogical employees such as nurses, clerical, custodial, and food service employees who provide operational support to the ESBOCES programs.

"Other Privileges" means major co-curricular activities which may occur during or after regular instructional hours, on or off ESBOCES Property, such as SkillsUSA competitions, field trips, etc.

"Paraeducators" means teacher aides or teaching assistants who work under the supervision of a teacher to support the instruction of students.

"Parent/Guardian" means a parent, guardian, or person in parental relation to a student.

"Positive Learning Environment" means a setting where all students and employees experience a safe, healthy, caring environment which fosters respect and high expectations, maximizes potential, and motivates interest and enthusiasm.

"Principal's Designee" means another ESBOCES administrator designated by the Principal.

"Program" means an educational approach to providing learning experiences in order to address academic, behavioral, developmental, or career needs of students. A program can be center based or can exist in more than one building.

"Race" means a group of persons related by a common descent or heredity. For purposes of enumeration, the US Census Bureau uses terms such as: "White/Caucasian," "Black/African American/African-descent," "Asian," "Bi-racial," "Hispanic/Latino," etc. to describe and classify the inhabitants of the United States.

"Religion" means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

"Religious Practice" means practices and observances, such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

"Sex" means the biological and physiological characteristics that define men and women. ("male" and "female" denote "sex.")

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality (the sex to which a person is sexually attracted). Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. Someone with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

"Shared Decision Making (SDM) Committee" means an officially designated group (at the building, division, or agency level) that includes teachers, administrators, paraeducators, student support personnel, students, parents/guardians, and other ESBOCES employees who are focused on developing ways to improve the educational process.

"Short-Term Suspension" means a suspension of five (5) or fewer consecutive school days.

"Student Support Service Employee" means any employee who provides direct educationally related services that assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems. These services are provided by psychologists, social workers, counselors, guidance counselors, English as a Second Language (ESL) teachers, hearing teachers, vision teachers, mobility teachers, speech teachers, and occupational or physical therapists. Social workers, psychologists, speech, ESL, vision, and hearing teachers are also considered licensed teachers under New York State Education Department (SED) certification.

"Tobacco/Tobacco Products" shall include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco, and any other smoking or tobacco product (smokeless, dip, chew, snus, and snuff) in any form.

"Violent and Disruptive Incident Report (VADIR)" means the New York State mandated report compiled in accordance with the Uniform Violent Incident Reporting System (UVIRS) of New York State Education Law for the purpose of identifying violent schools.

"Violent Student" means a school-age student who engages in violent or disruptive activity as defined in the "Glossary of Terms Used in Reporting Violent and Disruptive Incidents" of the New York State Education Department including, but not limited to, those terms defined in Section 100.2(gg) of the Regulations of the Commissioner of Education.

"Weapon" means

- a firearm, as defined in the United States Code, Title 18 §921 of the Federal Gun Control Act, for purposes of the Gun-Free Schools Act, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- a sandbag or sandclub;
- a sling shot or slungshot;
- a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken;
- an explosive, including, but not limited to, a firecracker or other fireworks;
- a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- an imitation gun;
- loaded or blank cartridges or other ammunition;
- any other deadly or dangerous instrument.

"Weight," aside from the obvious meaning in the physical sciences, is used in reference to a person's "size."

III. STUDENTS' RIGHTS AND RESPONSIBILITIES (Board Policies 6110, 6210, and 6214)

All student interaction and communication among themselves and with teachers, administrators, other employees, and visitors on ESBOCES Property will be acceptable, civil, and respectful.

A. Students' Rights

ESBOCES is committed to safeguarding the rights given to all students under State and Federal law and ESBOCES policy. In addition, to promote a safe, healthy, orderly, and supportive learning environment, all ESBOCES students have the right to:

- take part in all ESBOCES activities on an equal basis regardless of race, color, creed, national origin, ethnic group, religion, religious practice, gender, or sexual orientation or disability;
- present their version of the relevant events to the appropriate ESBOCES employees in connection with the imposition of disciplinary consequences;
- access ESBOCES rules and, when necessary, receive an explanation of those rules from ESBOCES employees;
- be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on ESBOCES Property or at ESBOCES Functions, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property.

B. Students' Responsibilities

All ESBOCES students have the responsibility to:

- 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- respect one another and treat others fairly in accordance with the Code of Conduct and the provisions of the Dignity Act;
- conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, and discrimination;
- report, and encourage others to report, any incidents of intimidation, harassment, and discrimination;
- contribute to maintaining a safe, supportive, and orderly environment that is conducive to learning and show respect to other persons and property;

- be familiar with and abide by all ESBOCES policies, rules, and regulations dealing with student conduct;
- attend class every day unless legally excused and be in class on time and prepared to learn (Board Policy 6110);
- work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible;
- react to direction given by all ESBOCES employees in a respectful, positive manner;
- utilize resources to manage their anger (e.g., join an anger management group, speak to a guidance counselor or social worker, visit a BIR, consult with peer leaders);
- ask questions when they do not understand;
- seek help in solving problems (e.g., requesting permission to use a Conflict Resolution Program, being receptive to Non-Violent Crisis Intervention techniques and philosophy);
- dress appropriately for class and ESBOCES Functions;
- be accountable for their actions;
- conduct themselves as representatives of ESBOCES when participating in or attending ESBOCES-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship

IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE LEARNING ENVIRONMENT (Board Policies 6110, 6210, 6214, 6420, and 6540)

A. Parents/Guardians

All parents/guardians are expected to:

- recognize that the education of their children is a joint responsibility of the parents/guardians and the ESBOCES community and collaborate with ESBOCES to optimize their children's educational opportunities;
- send their children to ESBOCES programs ready to participate and learn;
- ensure their children attend class daily and on time (Board Policy 6110);
- ensure that all absences are for legitimate purposes and are legally excused;
- insist their children be dressed and groomed in a manner consistent with the student dress code;

- know ESBOCES/district rules and help their children understand them so that their children can help create a safe, supportive learning environment;
- help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
- promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process;
- convey to their children a supportive attitude toward education and ESBOCES;
- build positive, constructive relationships with teachers, other parents/guardians, and their children's friends;
- help their children deal effectively with peer pressure;
- inform ESBOCES officials of changes in the home situation that may affect student conduct or performance;
- provide a place for study and ensure that homework assignments are completed;
- respond promptly to ESBOCES employees when requested to do so;
- teach their children respect and dignity for themselves and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity Act.

B. Teachers

All teachers are expected to:

- 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/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior, which will strengthen students' self-image and promote confidence to learn;
- be prepared to teach;
- demonstrate an interest in teaching, concern for student well-being, achievement, and educational progress, and respond appropriately to the individual needs of each student;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;

- communicate to students and parents/guardians that which is important to the student's emotional, social, behavioral, and academic progress, including, but not limited to:
 - a. course objectives and requirements;
 - b. marking/grading procedures;
 - c. assignment deadlines;
 - d. expectations for students;
 - e. classroom discipline plan;
 - f. building-wide behavior management plan.
- communicate regularly with students, parents/guardians, and other teachers concerning growth and achievement;
- participate in ESBOCES efforts to provide adequate supervision in all instructional spaces, in conformity with the Taylor Law;
- address issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students in the instructional setting;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the oral report;
- adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
- be knowledgeable of and employ effective classroom/building behavior management techniques and the Non-Violent Crisis Intervention philosophy and techniques;
- maintain confidentiality about all personal information and educational records concerning students and their families (Board Policy 6420);
- demonstrate dependability, integrity, and other standards of ethical conduct;
- follow the chain of command for various administrative procedures;

- report violent students to the Principal.

C. Paraeducators

All Paraeducators are expected to:

- work under the direct supervision of a certified teacher utilizing the teacher's lesson plan and classroom/building behavior management plan;
- utilize Non-Violent Crisis Intervention philosophy and techniques;
- maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn;
- demonstrate interest in and concern for student well-being, achievement, and the educational process, and respond appropriately to the individual needs of each student;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;
- adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
- maintain confidentiality about all personal information and educational records concerning students and their families (Board Policy 6420);
- demonstrate dependability, integrity, and other standards of ethical conduct;
- follow the chain of command for various administrative procedures;
- report violent students to the teacher or Principal;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the teacher, building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the oral report.

D. Student Support Service Employees

All Student Support Service Employees are expected to:

- 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 sex, which will strengthen students' self-image and promote confidence to learn;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the building administrator and/or Dignity Act Coordinator

within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the oral report;

- provide educationally related service(s) to support students in their educational programs;
- support educational and academic goals;
- assist students in coping with peer pressure and emerging personal, social, emotional, and physical problems;
- encourage students to benefit from the curriculum and co-curricular activities;
- know ESBOCES policies and rules and enforce them in a fair and consistent manner in accordance with the Code;
- communicate regularly with students, parents/guardians, and other employees;
- adhere to the Code of Conduct for the districts or district-based programs in which ESBOCES employees are providing services;
- be knowledgeable of and employ effective classroom behavior/building management techniques and the Non-Violent Crisis Intervention philosophy and techniques;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- make known to students and families the resources in the community that are available to meet their needs;
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;
- follow the chain of command for various administrative procedures;
- report violent students to the Principal.

E. Building Administrators/Principals

All Building Administrators/Principals are expected to:

- 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 sex, which will strengthen students' self-image and promote confidence to learn;
- promote a safe, orderly, and academically stimulating learning environment that supports 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- follow up on any incidents of discrimination and harassment that are witnessed, or otherwise brought to his/her attention, in a timely manner in collaboration with the Dignity Act Coordinator;
- ensure that students and employees have the opportunity to communicate regularly with the Principals and approach the Principals for redress of grievances;
- evaluate all instructional programs for which they are responsible on a regular basis;
- support the development of and student participation in appropriate extracurricular activities;
- provide support in the development of the Code, when called upon;
- disseminate the Code and anti-harassment policies;
- be responsible for enforcing the Code and ensuring that all cases of misconduct are resolved promptly and fairly;
- be knowledgeable of and employ effective classroom behavior/building management techniques and the Non-Violent Crisis Intervention philosophy and techniques and assure their utilization in the building/program;
- ensure that a building-wide behavior management system is created and supported to meet the needs of students enrolled in their building;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;

- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;
- provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the District Superintendent, Chief Operating Officer, or designee;
- follow the chain of command for various administrative procedures.

F. Other ESBOCES Employees

All Other ESBOCES Employees are expected to:

- 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 sex, which will strengthen students' self-image and promote confidence to learn;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the oral report;
- perform specialized non-pedagogical duties that support the operational functioning of the program;
- know ESBOCES policies and rules and support the implementation of the Code;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- help students understand ESBOCES expectations for maintaining a safe, orderly environment
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the

ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;

- address personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;
- follow the chain of command for various administrative procedures;
- report violent students to the teacher or Principal.

G. Directors and Divisional Administrators of Instructional Programs

The Directors and Divisional Administrators of Instructional Programs are expected to:

- promote a safe, orderly, and academically stimulating 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- follow up on any material incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, in a timely manner in collaboration with the Dignity Act Coordinator;
- review with ESBOCES and participating district administrators the ESBOCES Board policies, administrative regulations, and State and Federal laws relating to center operations and management;
- keep others in ESBOCES informed about educational trends relating to student discipline;
- work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and which are designed to minimize problems of student misconduct;
- work with ESBOCES administrators in enforcing the Code and ensuring that all cases of misconduct are resolved promptly and fairly;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the

actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;

- address personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;
- follow the chain of command for various administrative procedures.

H. Other Administrative, Managerial, and Technical Staff

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

- promote a safe, orderly, and academically stimulating 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- orally report incidents of discrimination and harassment that are witnessed, or otherwise brought to a his/her attention, to the building administrator and/or Dignity Act Coordinator within one (1) school day and file a written report in a manner prescribed by ESBOCES no later than two (2) school days after making the oral report;
- provide specialized instructional and administrative services to ESBOCES and participating districts;
- support the implementation of the Code;
- assure that the employees under their supervision conform to the Code;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students;
- demonstrate dependability, integrity, and other standards of ethical conduct;

- follow the chain of command for various administrative procedures.

I. Chief Operating Officer and the Board

The Chief Operating Officer and the Board are expected to:

- promote a safe, orderly, and academically stimulating environment, free from intimidation, discrimination, and harassment, 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- collaborate with student, teacher, administrator, and parent organizations, ESBOCES safety personnel and other ESBOCES personnel to maintain this Code in a manner that clearly defines expectations for the conduct of students, ESBOCES employees, and visitors on ESBOCES Property and at ESBOCES Functions;
- adopt and review at least annually the ESBOCES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation;
- maintain confidentiality about all personal information and educational records concerning students and their families in accordance with Federal and State law (Board Policy 6420);
- participate in ESBOCES efforts to provide adequate supervision in all ESBOCES spaces;
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students;
- develop and recommend a budget that provides programs and activities that support achievement of the goals of the Code;
- appoint a Dignity Act Coordinator in each ESBOCES instructional facility (the Dignity Act Coordinators will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex and will be accessible to students and other employees for consultation and advice as needed on the Dignity Act);
- lead by example by conducting Board meetings in a professional, respectful, courteous manner.

J. Dignity Act Coordinators

In accordance with the provisions of the Dignity for All Students Act, each Building Administrator shall act as the Dignity Act Coordinator. For a complete listing of assignments for Dignity Act Coordinators, please refer to the Eastern Suffolk BOCES website at www.esboces.org.

The Dignity Act Coordinators are expected to:

- promote a safe, orderly, and academically stimulating 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/gender identity, or sex, which will strengthen students' self-image and promote confidence to learn;
- identify curricular resources that support infusing civility in classroom instruction and classroom management and provide guidance to employees as to how to access and implement those resources;
- be responsible for monitoring and reporting on the effectiveness of Board Policy 6100 (Dignity for all Students Act);
- address issues of harassment or any situation that threatens the emotional or physical health or safety of any ESBOCES student or employee or any person who is lawfully on ESBOCES Property or at an ESBOCES Function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property;
- address personal biases that may prevent equal treatment of all students.

V. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for ESBOCES classes and ESBOCES Functions. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance.

Teachers and all other ESBOCES employees should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the ESBOCES setting.

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

- be safe, appropriate, and not disruptive to or causing interference with the educational process;
- not be sexually revealing or suggestive (clothing that exposes the torso or reveals undergarments are not permitted);

- include footwear at all times (footwear that is a safety hazard will not be allowed);
- not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage or incite illegal, violent, or gang-related activities;
- not display any signs of gang affiliation;
- not include items that are vulgar, obscene, or libelous, or that denigrate others on the basis of race, color, religion, creed, national origin, age, political affiliation, use of a recognized guide dog, hearing dog, or service dog, gender, sexual orientation, or disability.

To ensure that a dress code reflects current community standards on proper decorum and deportment, where proof that the wearing of certain apparel can reasonably lead a school to forecast the substantial disruption or material interference with the work or discipline of the school, a ban on such apparel may be considered by the building SDM Committee.

Each Principal or Principal's Designee shall be responsible for informing all students and their parents/guardians of the student dress code at the beginning of the school year and of any revisions to the dress code made during the school year. Additional details about dress code may be addressed in building student handbooks.

Students who violate the student dress code shall be required to modify their appearance. Any student who refuses to do so shall be subject to the consequences established by the building SDM Committee in keeping with the program's specific behavior plan enacted within the building (see the Principal of the building for details). Any student who repeatedly fails to comply with the dress code shall be subject to additional consequences pursuant to the Code.

VI. PROHIBITED STUDENT CONDUCT (Board Policies 6210, 6215, 6216, 6220, and 6540)

The ESBOCES Board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, employees, and other members of the ESBOCES community, and for the care of facilities and equipment. These expectations also apply to internships and student work experience.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. ESBOCES employees who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

The Board recognizes the need to be clear and specific in expressing its expectations for student conduct while on ESBOCES Property or engaged in an ESBOCES Function. The rules of conduct listed below are intended to do that and to focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior or who violate these rules will be required to accept the consequences for their conduct. Students may be subject to disciplinary action, up to and including suspension from the ESBOCES program, when they engage in:

- conduct that is disorderly, insubordinate, disruptive, or violent;
- conduct that endangers the safety, morals, health, or welfare of others;
- misconduct on the school bus;
- academic misconduct as illustrated below.

A. Disorderly Conduct

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

- engaging in any willful act that disrupts the normal operation of the school community (i.e., running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others);
- obstructing vehicular or pedestrian traffic;
- trespassing (students are not permitted in any ESBOCES center, other than the one they regularly attend, without permission from the administrator in charge of the center);
- misusing Electronic Communications Devices, including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the ESBOCES acceptable use policy (Board Policy 6216);
- unauthorized use of personal computers, laptops, tablets, e-readers and/or other computerized information resources through the ESBOCES computer system is prohibited;
- using personal electronic devices during the instructional day, such as cellular telephones, pagers, beepers, walkie-talkies, personal digital assistants (PDAs), music players, video games, and cameras; students caught using such devices during the instructional day may be considered insubordinate and will be subject to discipline in accordance with this Code (ESBOCES is not responsible for stolen, lost, or damaged personal electronic devices).

B. Insubordinate Conduct

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

- failing to comply with the reasonable directions of teachers, school administrators, or other ESBOCES/district employees or otherwise demonstrating disrespect;
- missing class or leaving the center without permission.

C. Disruptive Conduct

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

- failing to comply with the reasonable directions of teachers, school administrators, or other ESBOCES/district employees;
- endangering the health and safety of other students or employees;
- interfering with classes or ESBOCES activities such as by means of objectionable clothing, personal appearance, and/or objectionable mannerism.

D. Violent Conduct

Examples of violent conduct include, but are not limited to, those listed below as defined by the New York State UVIR Commissioner's Regulations §100.2(gg) and/or the New York State Education Department's Glossary of Terms Used in Reporting Violent and Disruptive Incidents.

- **"Homicide"** means any conduct that results in the death of another person.
- **Sexual Offenses:**
 - **"Forcible Sex Offense"** means forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact, including, but not limited to, rape and sodomy. Pursuant to Penal Law §130.00(8), "forcible compulsion" means "to compel by either: (a) use of physical force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "aggravated sexual contact" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "Oral sexual conduct" and "anal sexual conduct" mean oral or anal sex.
 - **"Other Sex Offenses"** means inappropriate sexual contact but no forcible compulsion, including, but not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students eighteen (18) years of age or under,

unless at least one (1) of the individuals participating in the conduct is at least four (4) years older than the youngest individual participating in the conduct.

Inappropriate sexual conduct requires physical contact with another person but no forcible compulsion. It includes, but is not limited to, the following conduct:

- touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc.;
 - removing another student's clothing to reveal underwear or private body parts;
 - brushing or rubbing against another person in a sexual or provocative manner; and
 - a student first rubbing his/her own genitalia and then touching another person's body.
- **“Robbery”** means the forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person.
 - **“Assault with Serious Physical Injury”** means intentionally or recklessly causing serious physical injury to another person, in violation of the ESBOCES Code. Pursuant to Penal Law §10.00(10), "Serious Physical Injury" means physical injury creating a substantial risk of death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious Physical Injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches, and any other injury involving risk of death or disfigurement.
 - **“Arson”** means deliberately starting a fire with intent to damage or destroy property. The fire may be started by using matches, lighters, or other devices capable of producing sufficient heat (i.e., magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans. “Property” includes any object belonging to ESBOCES/district, students, ESBOCES employees, or visitors, including personal items of the arsonist.
 - **“Kidnapping”** means to abduct, as defined in §135.00 of the Penal Law, a person so as to restrain such person with intent to prevent his or her liberation by either (a) secreting or holding him or her in a place where he or she is not likely to be found or (b) using or threatening to use deadly physical force.
 - **“Assault with Physical Injury”** means intentionally or recklessly causing physical injury (not serious) to another person, in violation of the ESBOCES Code. “Physical injury” means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. “Substantial pain” includes, but is not limited to, severe headaches, joint pain, or muscle pain.

- **“Reckless Endangerment”** means 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.
- **“Minor Altercations Involving Physical Contact and No Physical Injury”** means 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.
- **“Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact”** means threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process.
- **“Burglary”** means entering or remaining unlawfully on ESBOCES Property with intent to commit a crime.
- **“Criminal Mischief”** means the intentional or reckless damaging of the property of ESBOCES or of another person, including, but not limited to, vandalism and the defacing of property with graffiti.
- **“Larceny or Other Theft Offenses”** means the unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another.
- **“Bomb Threat”** means a telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on ESBOCES Property.
- **“False Alarm”** means causing a fire alarm or other disaster alarm to be activated by either falsely reporting or activating a fire alarm or other disaster alarm.
- **“Riot”** means four (4) or more persons simultaneously engaging in tumultuous and violent conduct, thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
- **“Weapons Possession”** means possession of one or more of the Weapons listed herein, except for possession in a classroom or laboratory as part of an instructional program or ESBOCES-related activity under the supervision of a Teacher or Other ESBOCES Employee as authorized by ESBOCES officials. Possession includes bringing a Weapon to, or possessing a Weapon on, ESBOCES Property.
- **“Drug Use, Possession, or Sale”** means illegally using, possessing, or being under the influence of a controlled substance or marijuana on ESBOCES Property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana on ESBOCES Property; finding a

controlled substance or marijuana on ESBOCES Property that is not in the possession of any person. However, nothing herein shall be construed to apply to the lawful administration of a prescription drug on ESBOCES Property. Tobacco and tobacco products are not to be considered as drugs for the purposes of this Code.

- **“Alcohol Use, Possession, or Sale”** means illegally using or possessing alcohol on ESBOCES Property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on ESBOCES Property; or finding alcohol on ESBOCES Property that is not in the possession of any person. However, nothing herein shall be construed to apply to the lawful administration of a prescription drug containing alcohol on ESBOCES Property.
- **“Other Disruptive Incidents”** means other incidents involving disruption of the educational process. Reportable incidents are limited to those resulting in disciplinary action or referral as follows:
 - an act or attempted act of violence upon an ESBOCES employee while on ESBOCES Property or at an ESBOCES Function;
 - an act or attempted act of violence upon another student or any other person lawfully on ESBOCES Property or at an ESBOCES Function;
 - possession of a Weapon while on ESBOCES Property or at an ESBOCES Function;
 - displaying what appears to be a Weapon while on ESBOCES Property or at an ESBOCES Function.
 - threatening to use a Weapon while on ESBOCES Property or at an ESBOCES Function;
 - knowingly and intentionally damaging or destroying the personal property of any ESBOCES employee or any person lawfully on ESBOCES Property or at an ESBOCES Function;
 - knowingly and intentionally damaging or destroying ESBOCES Property.

E. Conduct that Endangers the Safety, Morals, Health, or Welfare of Others

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

- lying to ESBOCES employees;
- stealing ESBOCES Property or the property of other students, ESBOCES employees, or any other person lawfully on ESBOCES Property or attending an ESBOCES Function;
- defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them, including, but not limited to, posting

or publishing video and/or audio recordings or pictures via written material, cellular telephones, Internet, YouTube, etc.;

- discrimination based on an individual's actual or perceived race; color; weight; religion or creed; religious practice, national origin; gender (identity and expression); sex, sexual orientation; ethnic group, marital or veteran status; age; use of a recognized guide dog, hearing dog, or service dog; or disability as a basis for treating another in a negative manner on ESBOCES Property or at an ESBOCES Function;
- harassment, which includes creation of a hostile environment by communication (verbal, written, electronic, or graphic) and/or physical conduct, threats, intimidation, or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits or mental, emotional, or physical wellbeing based on an individual's actual or perceived race; color; weight; religion or creed; religious practice, national origin; gender (identity and expression); ethnic group; ancestry; political affiliation; citizenship; pregnancy; sexual orientation; sex; age; marital status, military or veteran status; genetic predisposition or carrier status, use of a recognized guide dog, hearing dog, or service dog; or disability (see Board Policies 6218 and 6560 for more complete definitions);
- bullying and intimidation, which includes engaging in a variety of negative acts, including, but not limited to, hitting; kicking; spitting; pushing; taking personal belongings; taunting; malicious teasing; name calling; extorting; making threats; spreading rumors; manipulating social relationships; and engaging in social exclusion, extortion, or intimidation; or statements that put an individual in fear of bodily harm and/or emotional discomfort (e.g., "play" fighting, extortion of money, overt teasing, etc.) that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits;
- cyberbullying, which includes, but is not limited to, the following misuses of technology: sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including, but not limited to, blogs, chat rooms, and social networks such as Facebook and MySpace) or any other electronic means to bully or otherwise harass an individual or group through personal attacks or other means, when such use interferes with the operation of ESBOCES or infringes upon the general health, safety, and welfare of students or employees;
- sexual harassment, including unwelcome sexual advances; requests for sexual favors; taking, sending, or receiving sexually explicit videos, pictures, or auditory recordings; and other behaviors and comments of a sexual nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile, or offensive working or educational environment;
- displaying overt signs of gang affiliation or engaging in gang-related behaviors that increase the level of conflict or violent behavior in the ESBOCES centers or disrupt the educational process;
- hazing, which includes any intentional or reckless act of intimidation, harassment, or assault directed against another for the purpose of initiation into, affiliation with, or

maintaining membership in any ESBOCES-sponsored activity, organization, club, or team;

- committing a Bias Offense;
- selling, using, possessing, or distributing obscene material;
- using vulgar or abusive language, cursing, or swearing;
- using tobacco products as defined herein;
- possessing, consuming, selling, attempting to sell, distributing, or exchanging alcoholic beverages, tobacco, tobacco products, or Illegal Substances and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs, or being under the influence of any of these, on ESBOCES Property or at an ESBOCES Function;
- possessing, consuming, selling, distributing, or exchanging anything that appears to be an Illegal Substance;
- inappropriately using, sharing, selling, attempting to sell, distributing, or exchanging prescription and over-the-counter drugs;
- initiating or reporting warning of fire or other catastrophe without valid cause, misusing emergency telephone number 911, or inappropriately discharging a fire extinguisher;
- gambling;
- inappropriate touching and/or indecent exposure.

F. Misconduct While on a School Bus

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

G. Academic Misconduct

Examples of academic misconduct include:

- plagiarism;
- cheating;
- copying;
- altering records;

- assisting another student in any of the above actions.

H. Misconduct Off ESBOCES Property That Interferes With the Educational Process

Examples of misconduct that interferes with, or can reasonably be expected to substantially disrupt, the educational process in ESBOCES or at an ESBOCES Function include, but are not limited to:

- cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text);
- threatening or harassing ESBOCES students or employees over the telephone or other electronic medium;
- copying;
- altering records;
- assisting another student in any of the above actions.

VII. DISCIPLINARY CONSEQUENCES AND PROCEDURES

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. While no single method of discipline is recommended or mandated, all discipline is to be humane and appropriate to the situation. ESBOCES employees 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. In order to help ESBOCES employees maintain a focus on encouraging positive student behavior, ESBOCES employs a hierarchy of behavioral interventions to promote safe, orderly, and responsible student conduct (see Behavioral Intervention Hierarchy Chart). Teachers, paraeducators, and other ESBOCES employees are provided in-service education programs to ensure effective implementation of these interventions and are involved in the development of building-specific techniques appropriate to the needs of the students educated in their building.

Disciplinary action, when necessary, 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 of that behavior. In determining the appropriate disciplinary action, ESBOCES employees authorized to impose disciplinary consequences will consider the following:

- the student's age;
- the nature of the offense and the circumstances that led to the offense;
- the student's prior disciplinary record;
- the effectiveness of other forms of discipline;
- information from parents/guardians, teachers, and/or others, as appropriate;

- other extenuating circumstances, such as medications;
- the disability or suspected disability of the student, if any, in which case the specific procedures outlined within the context of this section must be followed.

As a general rule, discipline will be progressive. This means that a student's first violation will usually lead to a lighter consequence than subsequent violations.

For special education students in an ESBOCES program, the Board accepts that students with disabilities often display a range of behaviors that would be deemed disruptive within a regular educational setting. These behaviors may include conduct that is disorderly, insubordinate, disruptive, and/or violent. As part of the overall instructional program, the ESBOCES special education programs incorporate Behavior Management Systems designed to address this range of student behaviors. Each program within the Special Education Department develops a written Behavior Management System tailored to the specific needs and disabilities of the students within that program. The Behavior Management System of each program takes into consideration:

- the student's age;
- the nature of the offense and the circumstances which led to the offense;
- the student's behavioral history;
- the effectiveness of alternative behavior management approaches;
- information from parents/guardians, teachers, and/or others, as appropriate;
- other extenuating circumstances, such as medications;
- The disability or suspected disability of the student, if any, in which case the specific procedures outlined within the context of this section must be followed.

A. 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, ESBOCES uses a variety of:

- positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
- environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior;
- building-wide Behavior Management Systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

Behavioral Intervention Hierarchy

Time-Honored Classroom Management Strategies for:

Regular Education Students (examples)

1. Short-term in-class separation of student from classroom activity
2. Non-Violent Crisis Intervention strategies
3. Sending student to counselor's office
4. Sending student to Principal's office
5. Disciplinary consequences

Special Education Students (examples)

1. Building Behavior Management System
2. Student specific behavior modification plan
3. Non-Violent Crisis Intervention strategies
4. Brief period in Behavior Intervention Room
5. Disciplinary consequences

Formal Teacher Removal from Class (maximum two (2) days):

Follows Building SDM determined parameters for:

1. a substantial disruption for formal removal
2. a substantial interference for formal removal
3. length of time for formal removal
4. place, activities, and supervision during removal
5. process for re-entry

Out of School Suspension (not to exceed five (5) days):

Follows procedures established
in the Code of Conduct.

Related to Board Policy 6212

Long-Term Suspension Referral to Home School District:

For violation of Code of
Conduct, which may warrant
long-term suspension (more
than five (5) days), expulsion,
or CSE change of placement

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

A student who is found to have violated the ESBOCES Code of Conduct may be subject to one or more of the following disciplinary actions. The ESBOCES/district employees identified after each consequence are authorized to impose that consequence consistent with the student's right to due process.

CONSEQUENCE	AUTHORIZED PERSONNEL
1. Oral warning	Any ESBOCES employee
2. Written warning	Bus drivers and educational program employees
3. Written notification to parent/guardian	Principal and/or Principal's Designee
4. Suspension from transportation	Principal and/or Chief Operating Officer or Designee
5. Suspension of other privileges	Principal
6. Formal removal from classroom by teacher	Teachers
7. Short-term (not to exceed five (5) days) suspension from school	Principal
8. Long-term (more than five (5) days) suspension from school	Official of the student's home district

Parents/guardians are powerful partners in their children's behavioral growth and development of acceptable social skills. ESBOCES realizes that good communication and informal relations between parents/guardians and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated interventions at home and in ESBOCES centers provide students with the consistency they need to develop appropriate behaviors. Parents/guardians must assist the ESBOCES employees by reinforcing positive classroom behavior and by helping their children understand the connection between their behavior and disciplinary consequences. ESBOCES recognizes that parental/guardian involvement in the behavioral process is required for their children to develop the behaviors that will ensure success in the educational setting and in life. Therefore, in addition to the required procedural notifications which follow, it is ESBOCES philosophy to provide parents/guardians with regular and early notification by telephone and/or in writing when their children's behavior is becoming problematic.

B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. In all cases, regardless of the consequence being imposed, the authorized ESBOCES employee must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized ESBOCES employee shall provide the student with an opportunity to present his/her version of the facts. At the discretion of the Principal, parents/guardians will be notified, by way of an ESBOCES-established form, of student violations to the Code that do not rise to the level of suspension.

Students may be entitled to additional rights before the disciplinary consequence is imposed if that consequence is other than an oral warning, written warning, or written notification to their parents/guardians. These additional rights are explained below.

i. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, school bus personnel are expected to bring such misconduct to the attention of the Principal or the Principal's Designee. A student who becomes a serious disciplinary problem may have his/her riding privileges suspended by the Principal or the Superintendent of the student's home school district or their designees. In such cases, the student's parent/guardian will become responsible for seeing that his/her child gets to and from the ESBOCES center safely. Should the suspension from transportation amount to a suspension from attendance, the home school district will cooperate with ESBOCES to make appropriate arrangements to provide for the student's continued educational programming.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's Designee to discuss the conduct and the consequence involved (Board Policy 6215).

ii. Suspension from Other Privileges

A student subjected to a suspension from other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent/guardian will be provided with a reasonable opportunity for an informal conference with the ESBOCES official imposing the suspension to discuss the misconduct and the consequence involved.

iii. Formal Removal of Disruptive Students by a Teacher

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using appropriate research-based classroom management techniques. These techniques may include practices that involve the teacher giving the student an opportunity to regain his or her composure and self-control in a BIR. It is the philosophy of the ESBOCES that parents/guardians are key components of the behavior management process. For that reason, parents/guardians will be notified when their children's behavior requires the use of a BIR. The building-based SDM Committee shall determine what classroom and building practices are appropriate to the population of students educated in each program operated by ESBOCES. These appropriate classroom management techniques do not constitute formal disciplinary removals by a teacher for purposes of this Code.

On occasion, a student's behavior may become disruptive (See Definitions: Disruptive Student). A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the

teacher's classroom behavior rules. The specific examples of what constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the population of students educated within each program operated by ESBOCES. To that end, the SDM Committee of each center will establish examples of and parameters for:

- a substantial disruption requiring Formal Removal by Teacher;
- a substantial interference requiring Formal Removal by Teacher;
- the length of time for a Formal Removal by Teacher (not to exceed two (2) days);
- the place to which the student is removed, the appropriate activities in which the student is engaged, and the supervision provided to the student during the Formal Removal by Teacher;
- the process for student re-entry to the classroom.

In order to assure consistency, the departmental SDM Committees will review and approve the operative definitions regarding Formal Removal by a Teacher established by each building-based SDM for the Code. In order to assure that students and their parents/guardians are knowledgeable about the specific requirements of the centers the students attend, these center parameters accompany the ESBOCES Code, which shall be distributed at the beginning of each school year or upon student entry into the program.

The process of decision-making for teachers and administrators implementing behavioral interventions for student misconduct is outlined in the flowchart entitled "Process of Decision Making for Student Behavioral Intervention."

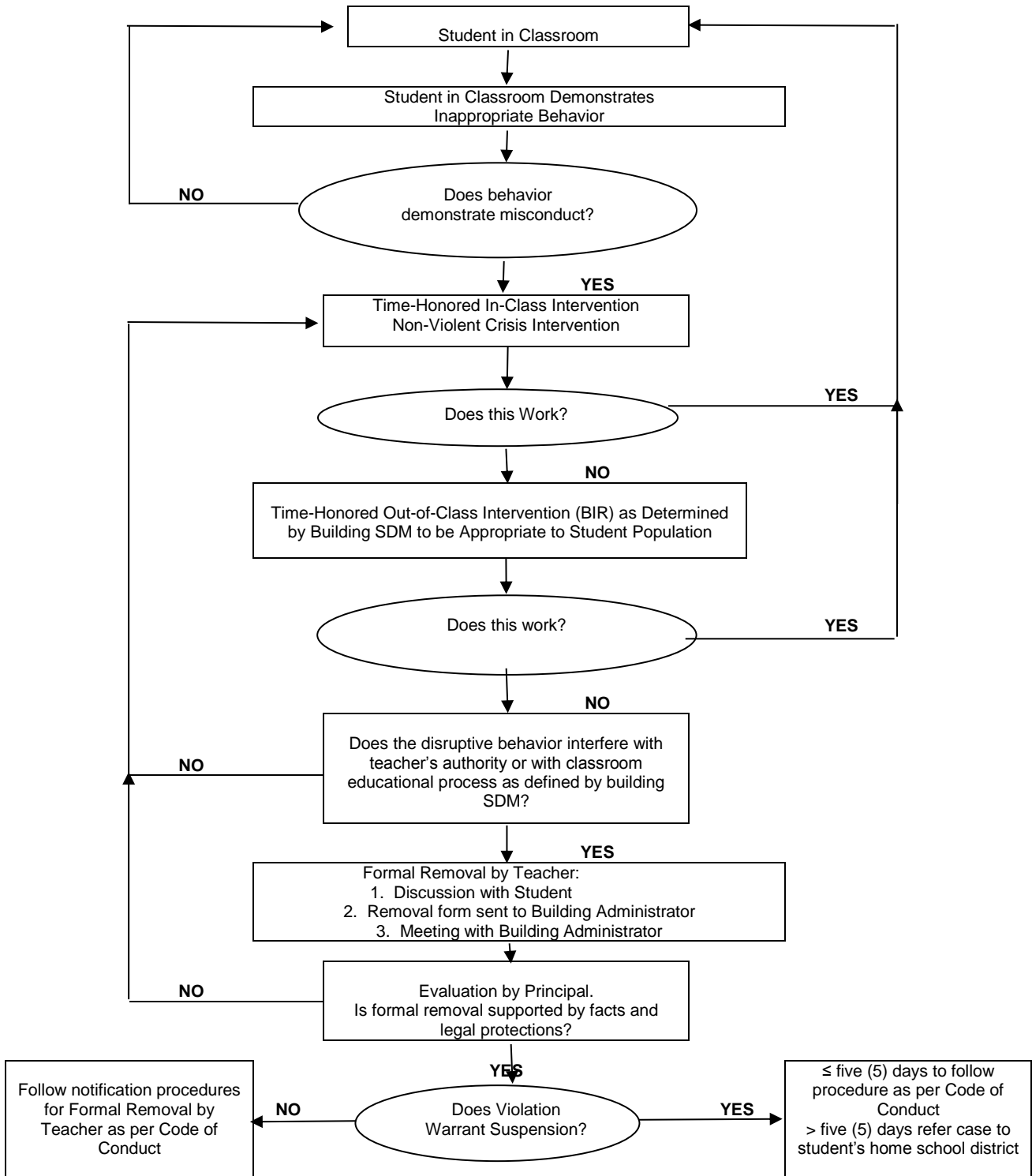
The procedural requirements for a Formal Removal by a Teacher of a student are:

- a. If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation of why he or she is being formally removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after this informal discussion may a teacher formally remove a student from class.
- b. If the disruptive student poses a danger or ongoing threat of disruption, the teacher may order the student to be formally removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within twenty-four (24) hours.
- c. The teacher must complete an ESBOCES form for a Formal Removal by a Teacher and meet with the Principal or Principal's Designee as soon as possible, but no later than the end of the instructional day, to explain the circumstances of the formal removal and to submit the aforementioned ESBOCES form. If the Principal or the

Principal's Designee is not available by the end of the same instructional day, the teacher must leave the form with the secretary and meet with the Principal or Principal's Designee prior to the beginning of classes on the next instructional day.

- d. Within twenty-four (24) hours after the student's Formal Removal by a Teacher, the Principal or another ESBOCES administrator designated by the Principal must notify the student's parent/guardian, in writing, that the student has been formally removed from the class and indicate the reason for the removal. The notice must also inform the parent/guardian that he or she has the right, upon request, to meet informally with the Principal or the Principal's Designee to discuss the reasons for the formal removal.
- e. The written notice must be delivered to the last known address of the parent/guardian through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the student's Formal Removal by a Teacher. Where possible, notice should also be provided by telephone if ESBOCES has been provided with a telephone number(s) for the purpose of contacting parents/guardians.
- f. The Principal may require the teacher who ordered the formal removal to attend the informal meeting.
- g. If, at the informal meeting, the student denies the charges, the Principal or the Principal's Designee must explain why the student was formally removed and give the student and the student's parent/guardian a chance to present the student's version of the relevant events. The informal meeting must be held within forty-eight (48) hours of the student's Formal Removal by a Teacher. The timing of the informal meeting may be extended by mutual agreement of the parent/guardian and Principal or Principal's Designee.
- h. The Principal or the Principal's Designee may overturn the formal removal of the student from class if any one of the following are found:
 - the charges against the student are not supported by substantial evidence;
 - the student's formal removal is otherwise in violation of the ESBOCES Code of Conduct and/or Federal or State laws regarding the education of students with disabilities;
 - the conduct warrants suspension pursuant to Education Law §3214 and a suspension will be imposed.

PROCESS OF DECISION MAKING FOR STUDENT BEHAVIORAL INTERVENTION



- i. The Principal shall not set aside the discipline imposed by the teacher unless the Principal finds that the charges against the student are not supported by substantial evidence, that the student's removal is otherwise in violation of law, or that the conduct warrants suspension from ESBOCES pursuant to this section and a suspension will be imposed. The Principal's determination made pursuant to this paragraph shall be made by the close of business on the day succeeding the forty-eight (48) hour period for an informal hearing.
- j. Any disruptive student formally removed from the classroom by the teacher shall be offered continued educational programming and activities by a certified teacher until the student is permitted to return to the classroom.
- k. Each teacher must keep a complete log (on an ESBOCES form) of all cases of formal removal of students from his or her class. The Principal must keep a building log of all Formal Removals by Teachers of students from class.

iv. Suspension from ESBOCES (Board Policy 6212)

Suspension from ESBOCES is a 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 retains its authority to suspend students, but places primary responsibility for the suspension of students with the Principals (short-term suspension) or the home school district (long-term suspension). All students who are under suspension in their home school shall be automatically suspended by ESBOCES during the time of their home school suspension. Principals of high schools sending students to ESBOCES shall inform Principals of such suspensions.

Any ESBOCES employee may recommend to the Principal that a student be suspended. All ESBOCES employees must immediately report and refer a violent student to the Principal for violation of the Code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the employee recommending the suspension.

The Principal, upon receiving a recommendation or referral for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-Term (Not to Exceed Five (5) Days) Suspension From ESBOCES

ESBOCES shall initiate the suspension of a student who is insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health, or welfare of self or others. When ESBOCES initiates a suspension, all requirements of law shall be followed.

- i. Suspensions may be made by a Principal for a period not to exceed five (5) instructional days. Suspensions may not be ordered by any other employee.
- ii. The student being considered to be suspended must be advised of the proposed suspension and the reason for the proposed suspension by the appropriate administrator.
- iii. The Principal must notify the student's parent/guardian of the proposed suspension immediately by telephone and in writing. The notice must enumerate the charges and the incident for which the suspension is proposed and provide the student and parent/guardian with an opportunity for an immediate informal meeting with the Principal, at which time the student's version of the event may be presented and complaining witnesses may be questioned. This informal meeting must be held prior to imposition of the suspension, unless the student's presence at the ESBOCES center poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the pupil's notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable. The notice must also inform the parent/guardian that the student's home school district has been notified of the proposed suspension so that arrangements can be made for the student's continued educational programming during this suspension.
- iv. The written notice must be delivered to the last known address of the parent/guardian through one or more of the following means: delivery by the bus driver, delivery by express mail, personal delivery, or delivery by some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours.
- v. If a parent/guardian wishes to contest a short-term suspension by ESBOCES, the parent/guardian may obtain a copy of the appeal procedure from the Principal.
- vi. A copy of the suspension notice shall be placed in the student's file.
- vii. Upon return to ESBOCES for reinstatement, the student should be accompanied by a parent/guardian, if possible, for a reinstatement interview.

Disabled Students: The Principal may order the suspension of a student with a disability for a period not to exceed five (5) consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior. Any student with a disability who has been suspended for an aggregate total of ten (10) days within a school year must be referred to the Committee on Special Education of the home school district for a Manifestation Determination hearing. Students with disabilities and their parents/guardians should be aware that there are special protections surrounding disciplinary actions which may warrant a Manifestation Determination and should receive specifics of these legal protections from the CSE of their home district.

- b. Long-Term (More than Five (5) Days) Suspension from ESBOCES for Non-Disabled Students and Removals or Suspensions that Constitute a Disciplinary Change of Placement for Students with Disabilities (Which Could Include an Alternative Special Educational Setting)

When a non-disabled student engages in behavior that may warrant a long-term suspension or when a student with a disability engages in behavior that may warrant a Manifestation Determination because the disciplinary action may constitute a disciplinary change of placement, the following procedure shall be followed:

- i. The Principal must initially follow the procedures for short-term suspensions.
- ii. The Principal must notify the ESBOCES Director or designee responsible for the program in which the student is enrolled and the appropriate home school official of the student's home district that ESBOCES is seeking a long-term suspension of the student and requests the home school district to officiate the process.
- iii. Upon return to ESBOCES for reinstatement, the student should be accompanied by a parent/guardian, if possible, for a reinstatement interview.

In the case of a non-disabled student, the appropriate home district school official is the participating school district's designated discipline officer. In the case of a student with disabilities, the appropriate home district school official is the CSE chair. Students with disabilities and their parents/guardians should be aware that there are special protections surrounding disciplinary actions that may warrant a Manifestation Determination and they should receive the specifics of these procedural safeguards from the CSE of their home school district.

In order to facilitate review and action according to the disciplinary procedures established within the home district's Code of Conduct or, in the case of a student with disabilities, by a Manifestation Determination as required by State and Federal law, the Principal shall provide proper documentation to the appropriate official of the student's home school district.

As prescribed by law, the following behaviors are serious enough to justify referral of students to the home school district for long-term (more than five (5) days) suspension from school and/or a Manifestation Determination:

- a. Bringing a Weapon onto ESBOCES Property

Any student determined to have brought a Weapon onto ESBOCES Property will be subject to suspension from ESBOCES for at least one (1) calendar year. Before being suspended, the student will have an opportunity for a hearing in the home school district pursuant to Education Law §3214. The Superintendent of the home school district has the authority to modify the one

(1) year suspension on a case-by-case basis. In deciding whether to modify the suspension period, the Superintendent of the home school district may consider the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/guardians, teachers, and/or others; and other extenuating circumstances. A student with a disability may be suspended only in accordance with the requirements of state and federal law (Board Policy 6240).

b. Committing or Threatening to Commit Violent Acts

Any student determined to have committed or threatened to commit a violent act, other than bringing a Weapon onto ESBOCES Property, shall be subject to a minimum suspension from ESBOCES for at least four (4) days. If a minimum four (4) day suspension is proposed, the same procedural requirements for short-term suspension shall apply. The Principal, Chief Operating Officer or designee, and the Board have the authority to reduce the proposed suspension on a case-by-case basis. In deciding whether to modify the suspension period, the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/guardians, teachers, and/or others; and other extenuating circumstances may be considered. If the proposed suspension is for more than five (5) days, the student shall be referred to the appropriate official of the student's home school district for a long-term suspension. The student and the student's parent/guardian 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 Superintendent of the home school district has the authority to modify a proposed suspension which exceeds five (5) days on a case-by-case basis using the same factors delineated previously for modifying a one (1) year suspension for possessing a Weapon. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

c. Repeatedly and Substantially Disrupting the Educational Process or Repeatedly and Substantially Interfering with the Teacher's Authority Over the Classroom

Any student who is repeatedly and substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, as defined by the SDM Committee of the building in which the student is enrolled, shall be subject to a minimum suspension from ESBOCES for at least four (4) days. For the purpose of this Code, "repeatedly and substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by the teacher(s) pursuant to Education Law §3214(3-a) and this Code on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester. If a minimum four (4) day suspension is proposed, the same procedural requirements for a short-term suspension delineated in Section 4a shall apply. The Principal, Chief Operating Officer or designee, and the Board have the authority to reduce the proposed suspension on a case-by-case basis. In deciding whether to modify

the suspension period, the student's age; grade level; prior disciplinary record; potential effectiveness of other forms of discipline; input from parents/guardians, teachers, and/or others; and other extenuating circumstances may be considered. If the proposed suspension exceeds five (5) days, the student shall be referred to the appropriate official of the student's home school district for a long-term suspension. The student and the student's parent/guardian 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 Superintendent of the home school district has the authority to modify a proposed long-term suspension on a case-by-case basis using the same factors delineated previously for modifying a one (1) year suspension for possessing a Weapon. A student with a disability may be suspended only in accordance with the requirements of State and Federal law.

v. Referrals

a. PINS Petitions

The Principal or the Principal's Designee may refer to the home school district any student under the age of eighteen (18) for a PINS (Person In Need of Supervision) Petition only if documentation exists as to the steps taken by ESBOCES and the home school district to improve the student's attendance or conduct. ESBOCES must meet with the County's lead agency, Education Assistance Corporation (EAC), to review efforts and documentation. The law mandates diversion services for youth at risk of becoming the subject of a PINS petition through Alternatives for Youth (AFY). It is up to EAC to determine that there is no substantial likelihood that the youth and his/her family will benefit from further diversion services before moving to a PINS Petition.

A Person in Need of Supervision is a student who demonstrates behaviors such as:

- being habitually truant (not attending school as required by Part I of Article 65 of the Education Law);
- being incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of the school;
- knowingly and unlawfully possessing marijuana in violation of Penal Law §221.05 (a single violation of §221.05 is sufficient basis for filing a PINS Petition).

b. Juvenile Delinquents or Juvenile Offenders

The Principal or the Principal's Designee will refer to the home school district any student enrolled in ESBOCES who meets the following specifications so that the Superintendent of the student's home school district can meet the requirement to

refer the student to the County Attorney for a juvenile delinquency proceeding before Family Court:

- any student under the age of 16 who is found to have brought a Weapon onto ESBOCES Property or
- any student who qualifies for juvenile offender status under Criminal Law §1.20 (42).

c. Criminal Offenses

The Principal or the Principal's Designee will promptly report to local law enforcement agencies any student who qualifies for juvenile offender status because of a violation of the Code that constitutes a crime and substantially affects the order and security of ESBOCES. The student's parent/guardian, home school district, and the school district in which the student's ESBOCES program is located, if applicable, will be notified that such a report has been filed.

VIII. STUDENT SEARCHES AND INTERROGATIONS

The ESBOCES Board is committed to providing an atmosphere for a positive, safe, and orderly learning environment. Accordingly, student searches and interrogations will be conducted in accordance with Policy 6230.

IX. VISITORS TO ESBOCES

ESBOCES is committed to providing a safe, orderly, respectful environment conducive to learning. The ESBOCES Board encourages parents/guardians and other members of the public to visit ESBOCES facilities and classrooms to observe the work of students, teachers, and other employees. Since ESBOCES centers are places of work and learning, certain limits must be set for such visits. The Principal or Principal's Designee (for instructional centers) or other building administrator (for buildings in which there is no Principal) is responsible for all persons in the building and on ESBOCES Property. For these reasons, the following rules apply to visitors to ESBOCES centers.

- Anyone who is not a regular employee or student of ESBOCES will be considered a visitor.
- A temporary visitor pass is issued to all visitors (which may include parents/guardians, outside contractors, sales/repair people, or union representatives).
- All visitors to ESBOCES buildings must report to the main office or receptionist upon arrival. There each visitor will be requested to produce a driver's license to verify his/her identity (in the absence of which another form of identification will be accepted) and will be issued a visitor's pass, which must be worn at all times while on ESBOCES Property. The visitor must return the visitor's pass to the main office or receptionist before signing out and leaving the building.

- Visitors attending ESBOCES Functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- Parents/guardians or citizens who wish to observe a class while in session are required to arrange such visits in advance with the classroom teacher(s) or student support service employees, so that class disruption is kept to a minimum.
- Teachers and student support service employees shall not use class time or related service sessions to discuss individual matters with visitors.
- Any unauthorized person on ESBOCES Property will be reported to the Principal or Principal's Designee (for instructional centers) or other building administrator (for buildings in which there is no Principal) and asked to leave. The police may be called if the unauthorized person does not respond to requests or directions from the ESBOCES employee.
- All visitors are expected to abide by the rules for public conduct on ESBOCES Property contained in this Code.

X. ESBOCES EMPLOYEES

Teachers and all other ESBOCES employees are expected to model the behaviors stated in the Code.

XI. PUBLIC CONDUCT ON ESBOCES PROPERTY

ESBOCES is committed to providing an orderly, respectful environment conducive to learning. To create and maintain this kind of environment, it is necessary to regulate public conduct on ESBOCES Property and at ESBOCES Functions. For purposes of this section of the Code, "public" shall mean all persons present on ESBOCES Property or attending an ESBOCES Function, including students, teachers, other ESBOCES employees, and participating district employees.

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

All persons on ESBOCES Property or attending an ESBOCES Function shall conduct themselves in a respectful and orderly manner and are expected to be properly attired for the purpose for which they are on ESBOCES Property.

A. Prohibited Conduct

No person shall:

- intentionally injure any person or threaten to do so;

- intentionally damage or destroy ESBOCES Property or the personal property of a student, teacher, administrator, other ESBOCES employee, or any person lawfully on ESBOCES Property;
- disrupt the orderly conduct of classes, ESBOCES programs, or other ESBOCES activities;
- distribute or wear materials on ESBOCES Property or at ESBOCES Functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the ESBOCES program;
- intimidate, harass, or discriminate against any person on the basis of actual or perceived race, color, creed, weight, national origin, ethnic group, religion, religious practice, age, gender (including gender identity and expression), sex, sexual orientation, or disability;
- engage in a Bias Offense;
- enter any portion of ESBOCES Property without authorization or remain in any building or facility after it is normally closed;
- obstruct the free movement of any person in any place to which this Code applies;
- violate the traffic laws, parking regulations, or other restrictions on vehicles;
- possess, consume, sell, distribute or exchange alcoholic beverages, and controlled substances, or be under the influence of either on ESBOCES Property or at an ESBOCES Function;
- possess or use a Weapon in or on ESBOCES Property or at an ESBOCES Function, except in the case of law enforcement officers or except as specifically authorized by ESBOCES;
- loiter on ESBOCES Property;
- gamble on ESBOCES Property or at ESBOCES Functions;
- refuse to comply with any reasonable order of identifiable ESBOCES officials performing their duties;
- willfully incite others to commit any acts prohibited by this Code;
- violate any Federal or State statute, local ordinance or Board policy while on ESBOCES Property or while at an ESBOCES Function.

B. Consequences

Persons who violate this section shall be subject to the following consequences:

- Visitors' authorization, if any, to remain on ESBOCES grounds or at the ESBOCES Function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- Students shall be subject to disciplinary action, as the facts may warrant, in accordance with due process requirements.
- Tenured faculty members shall be subject to disciplinary action, as the facts may warrant, in accordance with due process requirements.
- Classified Civil Service employees entitled to the protection of Civil Service Law §75 shall be subject to disciplinary action, as the facts may warrant, in accordance with due process requirements.
- Employees other than tenured faculty members or civil service employees shall be subject to warning, reprimand, suspension, or dismissal, as the facts may warrant, in accordance with any legal rights they may have.

C. Enforcement

The Principal or Principal's Designee shall be responsible for enforcing the conduct required by this Code.

When the Principal or Principal's Designee observes an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or Principal's Designee shall inform the individual that the conduct is prohibited and attempt to persuade the individual to stop the prohibited conduct. The Principal or Principal's Designee shall also warn the individual of the consequences for failing to stop. If the individual still refuses to stop engaging in the prohibited conduct, or if the individual's conduct poses an immediate threat of injury to persons or property, the Principal or Principal's Designee may have the individual removed immediately from ESBOCES Property or the ESBOCES Function. If necessary, local law enforcement authorities will be contacted to assist in removing the individual.

ESBOCES may initiate disciplinary action against any student or employee, as appropriate, consistent with the consequences cited above. In addition, ESBOCES reserves its right to pursue civil or criminal legal action against any person violating the Code.

XII. PROHIBITION OF RETALIATION

Pursuant to Education Law §13, retaliation by any ESBOCES employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

XIII. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

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

- providing copies of an age-appropriate, plain language, summary of the Code to all students each school year;
- providing a plain language summary of the Code to all parents/guardians of ESBOCES students at the beginning of the school year, and to all parents/guardians of new students upon entry to ESBOCES, and thereafter upon request;
- including a plain language version of the Code in the ESBOCES calendar;
- providing all current teachers and other employees with a copy of the Code and any amendments to the Code as soon as practicable after adoption;
- providing all new employees with a copy of the current Code when they are hired;
- making copies of the Code available for review by students, parents/guardians, and other community members at all instructional sites;
- posting the complete Code on the ESBOCES website.

The Board will sponsor an in-service education program for all ESBOCES employees to ensure the effective implementation of the Code. The Chief Operating Officer may solicit the recommendations of ESBOCES employees, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Ongoing professional development will be included in the ESBOCES professional development plan, as needed.

B. Review of Code of Conduct

The Board will review this Code 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.

In order to accomplish this, the Board shall annually designate the Agency SDM Committee, pursuant to Education Law §2801, to review the Code and the ESBOCES responses to violations of the Code. The committee will report to the Board annually. The committee will be made up of representatives of student, teacher, administrator, and parent organizations; ESBOCES safety personnel; and other ESBOCES employees.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which ESBOCES employees, parents/guardians, students, and any other interested parties may participate.

References:

- [Regulations of the Commissioner §100.2\(gg\)](#)
- [Regulations of the Commissioner §200.4](#)
- [Individuals with Disabilities Education Improvement Act of 2004 \(IDEA\)](#)
- [US Code, Title 18, §921 of the Federal Gun Control Act](#)
- [NYS Civil Service Law §75](#)
- [NYS Criminal Procedure Law §1.20\(42\)](#)
- NYS Dignity for All Students Act
- NYS Education Law §11(1), (2), (4), (5), (6) (8)
- NYS Education Law §§13, 801-a, 814, 1125(3), 2801, 3214
- [NYS Education Law Article 65, Part I](#)
- NYS Executive Law §292(21)
- [NYS Penal Law §10.00\(10\)](#)
- [NYS Penal Law §130.00\(8\) and §130.00\(11\)](#)
- [NYS Penal Law §135.00](#)
- [NYS Penal Law §221.05](#)
- [NYS Vehicle and Traffic Law §142](#)
- NYS Education Department's Glossary of Terms Used in Reporting Violent and Disruptive Incidents
- Board Policy 2210 – Visits to ESBOCES Facilities and Programs
- Board Policy 6110 - Student Attendance
- Board Policy 6210 - Student Conduct and Discipline
- Board Policy 6211 - Corporal Punishment
- Board Policy 6212 - Student Suspension
- Board Policy 6214 - Students' Rights and Responsibilities
- Board Policy 6215 - Student Conduct on School Buses
- Board Policy 6216 - Student Use of Electronic Communications and Telecommunications Equipment
- Board Policy 6218 – Bullying/Cyberbullying
- Board Policy 6220 - Student Substance Abuse
- Board Policy 6230 - Interrogation and Searches
- Board Policy 6240 - Dangerous Instruments and Weapons in Schools
- Board Policy 6420 – Confidentiality of Student Records - Access and Challenge
- Board Policy 6540 - Student Safety
- Administrative Regulation 6218R.1 – Bullying/Cyberbullying
- Form 2410F.1 - Student Referral – Formal Removal
- Form 2410F.2 - Incident/Follow-Up Action Report

First Approved: 11/7/2006
Revised: 5/3/2010
Revised: 5/20/2011
Revised: 5/23/2012
Revised: 7/3/2012
Revised: 5/22/2013
Revised: 6/5/2013
Revised: 9/18/2013