

CODE OF CONDUCT FOR THE MAINTENANCE OF PUBLIC ORDER ON SCHOOL
PROPERTY AND AT SCHOOL FUNCTIONS

I. Statement of Policy

A. SUPPORTING STUDENT SUCCESS IN A SAFE ENVIRONMENT

It is the intent of MOBOCES Board to provide each student with the opportunity to achieve their own personal best and, through the development of self-discipline, to assist in the formation of character so each may become a full and valuable member of society. It is the responsibility of MOBOCES to provide a safe and secure environment for its students, for its staff, and for all other members of the public who have a reason to visit our campus or attend our activities.

B. CODE OF CONDUCT FOR MAINTAINING PUBLIC ORDER AND SAFETY

To achieve these goals, MOBOCES establishes this Code of Conduct for the Maintenance of Public Order on School Property and at School Functions to govern the conduct of students, teachers and other school personnel, and visitors. This Code of Conduct (the Code) has been developed consistent with Article 2-A of the Education Law, the Safe Schools Against Violence in Education Act (Chapter 181 of the Laws of 2000) and Section 100.2 of the implementing Commissioner's Regulations and in collaboration with student, teacher, administrators and parent organizations, school safety personnel and other school personnel.

C. EDUCATIONAL SUPPORT AND ALTERNATIVE DISCIPLINE FOR SPECIFIC POPULATIONS

MOBOCES provides educational services in conjunction with local school districts. As such, MOBOCES provides support to local schools to assist children with learning. MOBOCES also provides alternatives to traditional educational programs.

D. MOBOCES COMMITMENTS TO COOPERATIVE DISCIPLINE FOR SPECIFIC POPULATIONS

In providing these services, MOBOCES is an organization which meets the needs of many populations. The discipline Code reflects the unique needs of these populations. It stresses an approach to discipline which emphasizes home school MOBOCES cooperation and mutual support.

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II. Scope of Policy

A. Persons to Whom This Code Applies

This Code governs the conduct of everyone – student or adult – who is on school property or present at a school sponsored event.

B. Places to Which This Code Applies

This Code governs conduct on all MOBOCES property, and applies at all school functions.

III. Definitions

A. **“AIS”** means Academic Intervention Services.

B. **“CSE”** means Committee on Special Education.

C. **“Cyberbullying”** means harassment or bullying that occurs through any form of electronic communication.

D. **“DASA”** means the Dignity for All Students Act.

E. **“Disability”** means:

1. a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a typical bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
2. a record of such an impairment; or
3. 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 employee from performing in a reasonable manner the activities involved in the job or occupation sought or held.

F. **“Disruptive student”** means an elementary or secondary student under the age of twenty-one (21) who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

G. **“Gender”** means a person’s actual or perceived sex and includes a person’s gender identity or expression.

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- H. **“Gender Identity”** means a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.
- I. **“Harassment or bullying”** means the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined above that either:
1. has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or with the student’s mental, emotional and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
 2. reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
 3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
 4. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.
- J. **“IEP”** means Individualized Education Program.
- K. **“Illegal Substances”** include, but are not limited to:
1. alcohol, inhalants, marijuana/cannabis, cocaine, LSD, PCP, amphetamines, barbiturates, ecstasy, heroin, steroids;
 2. any substances commonly referred to as designer drugs and look-alikes (including but not limited to synthetic cannabinoids);
 3. prescription or over-the-counter drugs when possession is unauthorized, or such are inappropriately used or shared with others;
 4. or any product or substance which, when misused, will result in an impaired or altered state; or
 5. illegal substances also include any paraphernalia related to these substances.

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- L. **“Material incident of Harassment, Bullying and/or Discrimination”** means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function.
1. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occurs off school property, and is the subject of a written or oral complaint to the District Superintendent, Principal, or their designee, or other school employee.
 2. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person’s actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), sex or any other legally protected status.
- M. **“Parent”** means parent, guardian, or person in parental relation to a student.
- N. **“Physical Restraint”** means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. This does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or similar purposes.
- O. **“Sexual orientation”** means a person’s actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality.
- P. **“School function”** means any school-sponsored extracurricular event or activity occurring on or off school property, sanctioned or approved by the school, including but not limited to offsite athletic events, school dances, plays, musical productions, field trips or other school-sponsored trips.
- Q. **“School Property”** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or on a school bus, as defined in Vehicle and Traffic Law §142.
- R. **“SRO”** means School Resource Officer. For purposes of this Policy, it also means School Patrol Officer.
- S. **“Tobacco Product”** means any vaping or nicotine-containing devices and accessories to such devices and any other tobacco-containing product in any form, as well as matches, lighters and other related paraphernalia. This also includes any

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simulated tobacco products that imitate or mimic tobacco products.

- T. **“Under the Influence”** means if a person has used any quantity of an illegal substance or alcohol within a time period reasonably proximate to their presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function and/or exhibits symptoms of such use as to lead to the reasonable conclusion of such consumption.
- U. **“Violent student”** means a student under the age of twenty-one (21) who:
1. commits an act of violence upon a school employee, or attempts to do so.
 2. commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
 3. possesses, while on school property or at a school function, a weapon.
 4. displays, while on school property or at a school function, what appears to be a weapon.
 5. threatens, while on school property or at a school function, to use a weapon.
 6. knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
 7. knowingly and intentionally damages or destroys MOBOCES property.
- V. **“Weapons”** means a firearm as defined in 18 USC §921 et seq. for purposes of the Gun-Free Schools Act and as defined in Education Law 3214 et seq. These include but are not limited to:
1. a firearm as defined under New York State or Federal law, as well as any other type of firearm, gun, or imitation gun, including, but not limited to:
 - a. BB gun;
 - b. pistol;
 - c. revolver;
 - d. shotgun;
 - e. rifle;

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- f. machine gun;
 - g. disguised gun;
 - h. electronic stun gun;
 - i. paintball gun;
 - j. air gun; or
 - k. electronic dart gun;
 - 2. dagger, dirk, razor, stiletto, switchblade knife, pilum ballistic knife, gravity knife, metal knuckle knife, box cutters, cane sword, utility knife, or any other dangerous knife;
 - 3. brass or metal knuckles, slingshot, throwing star, or shuriken;
 - 4. any deadly or dangerous chemical, pepper spray, or other noxious spray;
 - 5. any other deadly or dangerous instrument;
 - 6. explosive or incendiary bomb; or
 - 7. other device, instrument, material or substance that can cause physical injury or death when used.
- W. **Weapons Possession Only:** Possession of one or more of the weapons listed above, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

IV. The Role of Teachers, Administrators, Other MOBOCES Personnel, the Board and Parents

A. Role of Teachers and Support Staff.

It shall be the responsibility of the teachers and staff to:

- 1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, socio-economic

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status, disability, sexual orientation, gender (including gender identity or expression) or sex, with the intent of strengthening students' self-concept and promote confidence to learn.

2. Reflect a personal enthusiasm for teaching and learning and a genuine concern for the individual student.
3. Guide learning activities so students learn to think and reason, to assume responsibility for their actions and to respect the rights of others.
4. Explain school rules and regulations regarding student behavior to students and others and require observance of them.
5. Comply with this Code of Conduct.
6. Be fair, firm and consistent in enforcing school rules in buildings, school buses, on the school campus and at school functions.
7. Give positive reinforcement for acceptable behavior.
8. Demonstrate, by word and personal example, respect for law and order and self-discipline.
9. Refer to a counselor or administrator any student whose behavior requires special attention.
10. Seek to develop close cooperative relationships with parents for the educational benefit of the student by keeping open communication with parents and by sending communications home promptly.
11. Report orally to a Dignity for All Students Act (DASA) Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
12. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

B. Role of Administrators.

As the educational leaders of MOBOCES, administrators set the disciplinary climate. It shall be their responsibility to:

1. Communicate to staff, students, and visitors consistent expectations for conduct meeting the standards set by this Code.

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2. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, socio-economic status, disability, sexual orientation, gender (including gender identity or expression) or sex, with the intent of strengthening students' self-concept and promote confidence to learn.
3. Help the staff evaluate their own procedures and attitudes in relation to the interactions within their classrooms.
4. Receive teacher or counselor referrals of students with behavior problems; confer with these students and otherwise conduct appropriate fact-finding; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
5. Utilize all appropriate auxiliary staff and outside agencies to help parents and students identify behavior problems and seek solutions.
6. Provide the opportunity for students and staff to approach the administrator directly for redress of grievances.
7. Be fair, firm and consistent in all disciplinary decisions affecting students, parents and staff.
8. Maintain open lines of communication between the school and the home.
9. Assume responsibility for the dissemination and enforcement of MOBOCES' discipline policy and ensure that all cases are resolved promptly.
10. Comply with pertinent laws and regulations governing hearings, suspensions and students' rights.
11. Work with staff to help them acquire the knowledge and skills that support their implementation of this Code.
12. Report orally to a DASA Coordinator any incident of harassment, bullying and/or discrimination that they witness or that is reported to them, not more than one (1) school day later; and file a written report not later than two (2) school days after the initial oral report.
13. The District Superintendent or designee shall review all reports prepared by the Compliance Coordinator or a DASA Coordinator concerning an

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incident of alleged harassment, bullying and/or discrimination, and ensure that appropriate reports are made to law enforcement and appropriate corrective actions have been taken in MOBOCES.

14. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.

C. Role of Parents. It is the responsibility of parents to:

1. Send their child to school as required by the New York State Education Law.
2. Insist on prompt and regular attendance.
3. Make certain that lawful absences are properly documented with a written explanation.
4. Provide for their child's health, personal cleanliness and suitable grooming and dress.
5. Guide their child from the earliest years to develop acceptable behavior, to exercise self-control and to be accountable for their actions.
6. Teach their child respect for law, for the authority of the school and for the rights and property of others.
7. Know, understand and support the rules their child is expected to observe at school, including the rules regarding proper dress, the prohibition on use of tobacco, nicotine, e-cigarettes, weapons, alcohol, adhere to the rules on prescription drugs and respect for others.
8. To be aware of the consequences for any violation of these rules; and to accept legal responsibility for their child's action.
9. Instill in their child a desire to learn by providing a place conducive for study and ensuring completion of homework assignments.
10. Demonstrate an enthusiastic and supportive attitude toward school and education by becoming acquainted with their child's school, its staff, curriculum and activities and by attending parent-teacher conferences and school functions.

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- D. Role of the MOBOCES Board. It shall be the responsibility of the MOBOCES Board to:
1. Adopt and support a clearly defined Code of Conduct.
 2. Provide conditions within the school community that are conducive to a positive learning environment.
 3. Provide a fair hearing to any appeal from an administrative disciplinary decision.
 4. Report possible incidents of child abuse per the Child Abuse in an Educational Setting Policy.
- V. Prohibited Conduct and Consequences
- A. The following conduct is prohibited on MOBOCES property and at MOBOCES events:
1. Willfully causing physical injury to any other person, or engaging in any physical altercation or fight, whether or not anyone is injured.
 2. Verbal or physical intimidation, including threatening to cause physical injury to any other person; acts that constitute harassment, as defined in Section III of the Code of Conduct, labeled “Definitions.”
 3. Willfully damaging, defacing, or destroying property that doesn’t belong to the person causing the damage, or removing or using such property without authorization; this includes the posting of notices, placards, and the like on surfaces where all such postings are prohibited.
 4. Entering any administrator’s or other staff member’s office without permission or looking into or taking anything from a staff member’s workspace, including desks, file cabinets, briefcases, backpacks and the like.
 5. No one other than a student or employee may enter a classroom or the building beyond the administrative office without written permission of the District Superintendent. Parents of students (who are not prohibited from being in their child’s classroom by court order) need not obtain written permission from the District Superintendent or designee. However, such individuals must check in with the building principal’s office upon arrival and departure complying with the MOBOCES Visitors to the Board of Cooperative Educational Services Facilities Policy (Policy

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No. 1002). At that time confirmation of the meetings with individuals and appropriate time frames will be made.

6. Misuse of the MOBOCES computer network, which includes any conduct that does not comply with the MOBOCES Purpose Use Policy (Policy No. 8080 and 5045).
7. Gambling.
8. Use of any illegal drugs or misuse of any prescription drugs.
9. The possession, use, sale or consumption of any form of tobacco, any substance containing nicotine (except prescribed medications), any e-cigarette or oil or vaping product intended for use in an e-cigarette, and any associated paraphernalia.
10. The use, possession, sale, gift or purchase, or the attempt to sell, use, possess, buy or procure alcohol and, with respect to students and other minors, being under the influence of alcohol.
11. The use, possession, sale, gift, or purchase, or the attempted use, possession, sale, gift, or purchase of:
 - a. marijuana or any substance listed by the local, state or federal government as a controlled substance;
 - b. synthetic marijuana, or cannabinoids, including, but not limited to, items labeled as incense, herbal mixtures, or potpourri;
 - c. any prescription medication other than in compliance with a valid prescription;
 - d. any non-prescription (over-the-counter) medication other than in accordance with the manufacturer's directions for use;
 - e. any substance that the possessor or one of the persons involved in a transaction believes to be a substance described in this subsection; or
 - f. any pipes, bongs, clips, or other paraphernalia associated with the use of any of the substances described in this subsection.
12. Obstructing the free movement of persons and vehicles in any place to which these rules apply.

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13. Deliberately disrupting or preventing the peaceful and orderly conduct of classes, lectures and meetings.
14. Having possession of any weapon without the written authorization of the District Superintendent, whether or not a license to possess the weapon has been issued.
15. Communicating messages through words or symbols (including those printed on items of clothing or tattoos visible to others) that:
 - a. are profane, lewd, sexually explicit, vulgar or abusive;
 - b. which may incite or offend another person on the basis of actual or perceived race (including but not limited to hair texture and protective hair styles), color, creed, national origin, immigration status or citizenship, weight, ethnic group, religion, religious practice, gender (including gender identity or expression), sexual orientation or physical or mental ability, or affiliation with any school or non-school group, gang, or organization;
 - c. advocates or encourages the use of alcohol, tobacco, nicotine, e-cigarettes or other prohibited substances;
 - d. advocates, encourages, or celebrates the use of weapons or violence;
 - e. constitute a health or safety hazard; or
 - f. creates, or reasonably might create, a substantial disruption or material interference with the mission, work or discipline of the school community.
16. Urging or aiding others in the commission of any of the acts prohibited.
17. Otherwise violating any law, school rule, or Board policy.

B. Consequences of Engaging in Prohibited Conduct

1. If an MOBOCES employee or officer sees an adult visitor using tobacco, nicotine or e-cigarette products on the MOBOCES campus (including property, grounds & facilities), or at a MOBOCES event, the MOBOCES employee should advise the adult visitor that “MOBOCES Policy prohibits everyone from using tobacco, nicotine or e-cigarette products on the MOBOCES campus and at MOBOCES functions.” An adult visitor’s repeated failure to follow MOBOCES rules shall trigger the application of

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the MOBOCES' Code of Conduct for the Maintenance of Public Order on School Property and at School Functions.

2. In the case of a violation of this code of conduct:
 - a. Any visitor authorized to be on school premises or at a school function (other than students or staff) who is substantially disruptive or violates the rules of this Code will be directed to leave the premises or function. In the event of their failure or refusal to do so, the District Superintendent shall cause their ejection from such property.
 - b. In the case of any unauthorized individual (other than students or staff) who is on school property or at a school function, the District Superintendent or designee shall inform the individual that they are not authorized to remain and direct them to leave such premises. In the event of their failure to do so, the District Superintendent shall cause their ejection from such property. Nothing in this section shall at any time, nor affect their liability for prosecution for trespassing, loitering, etc., as prescribed in the Penal Law.
 - c. In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in the applicable sections of this Code of Conduct or Section 3214(3) of the Education Law.
 - d. In the case of any employee who is charged with misconduct and/or violation of these rules, such discipline shall be administered in accordance with applicable law, contract, or MOBOCES Board policy.

VI. Student Rights and Responsibilities

A. Rights of Students

1. Expect a school environment conducive to learning;
2. Be treated respectfully by those in the school community;
3. Receive notice of the expectations for their behavior, and an opportunity to explain their conduct;
4. Access to educational and extracurricular activities regardless of actual or perceived race (including but not limited to hair texture and protective hairstyles), color, creed, weight, ethnic group, religion, religious practice,

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national origin, immigration status or citizenship, gender (including gender identity or expression), or physical or mental ability;

5. Learn in an environment free of discrimination, harassment, or bullying based on actual or perceived race (including but not limited to hair texture and protective hair styles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex;
6. Participate equally in all school activities regardless of actual or perceived race (including hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression) or sex;
7. Have complaints about school-related incidents investigated and responded to;
8. All other rights afforded to students under the provisions of the Federal and State constitutions and the laws of the State of New York.

B. Responsibilities of Students

1. Comply with the standards of conduct listed in Section V. of this Code.
2. Be aware of and obey all laws, school rules and regulations.
3. Accept responsibility for their own actions.
4. Respect the rights of others, including the right to secure an education in an environment that is orderly and disciplined.
5. Attend school regularly and punctually.
6. Maintain habits of personal cleanliness.
7. Respect school property and the property of others.
8. Strive for mutually respectful relationships with teachers and administrators, recognizing their role as surrogate parent in matters of behavior and discipline.
9. Be honest in all situations.
10. Act and speak respectfully about issues/concerns.

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11. Use communication that is non-confrontational and is not obscene or defamatory and use non-sexist, non-racist and other non-biased language.
12. Respect and treat others with tolerance and dignity regardless of actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, immigration status or citizenship, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.
13. Report threats of violence, observed or overheard, made towards staff and students. Reports may be made anonymously and confidentiality will be respected to the extent possible.
14. Report acts of bullying, discrimination, harassment, and other inappropriate actions that hurt others.

C. Additional Standards for Student Conduct

1. Acceptable and appropriate conduct by students shall be consistent with the standards of conduct and student responsibilities outlined in this Code of Conduct.
2. In addition, the following conduct is not acceptable if engaged in by students:
 - a. Stealing, lying, cheating, plagiarism or other acts of dishonesty.
 - b. Disrespect toward an administrator, faculty or other staff member, student or visitor.
 - c. Failure to attend MOBOCES programs as scheduled, without a valid excuse, including failure to remain for the full scheduled school day.
 - d. Any willful act which disrupts the normal operation of the school community, including failure to comply with the directions of a teacher, administrator, or other staff member or volunteer.
 - e. Unacceptable behavior on buses being operated by or on behalf of MOBOCES, including not staying seated, throwing objects, excessive loudness or other activities that distract the driver of the bus.
 - f. Public displays of affection that are disruptive.

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- g. Possession of any medication, prescription or non-prescription, on MOBOCES property or while attending a MOBOCES event, unless possession is authorized by MOBOCES Policy 7044, Student Medications.

D. Appropriate Dress

1. Dress should be occupationally appropriate based on the needs of each CTE or other class. Students may be required to wear appropriate protective gear in applicable classes.
2. Students are not permitted to wear articles of clothing, tattoos, accessories, or jewelry that do not comply with the Standards of Conduct set forth in this Code (including, but not limited to Section V.).
3. Extremely brief or revealing clothing is not appropriate for school. Underwear and undergarments should be covered by outer clothing.
4. Students are not permitted to wear articles of clothing, accessories, or jewelry that constitute a health or safety hazard, including items that are, or reasonably may be perceived as being associated with gang or other unlawful behavior, or clothing that displays letters, numbers, symbols pictures, or any printed design that represent drugs, weapons, tobacco, or alcohol.

E. Recognition of Positive Student Behavior

Each MOBOCES Division shall identify and implement methods of recognizing and reinforcing positive student behavior, in ways appropriate to the student population served by each Division. This effort may include honor rolls, affiliation with honorary societies, and the providing of special privileges to students whose conduct is commendable. The MOBOCES Board encourages the public recognition of student achievement through the MOBOCES newsletter and website.

F. Dignity for All Students Act (DASA)

1. MOBOCES shall develop and implement a program of instruction in grades Kindergarten through Grade 12 that:
 - a. supports development of a school environment free of harassment, bullying and/or discrimination;

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- b. raises student and staff awareness and sensitivity to harassment, bullying and/or discrimination;
 - c. instructs in the safe and responsible use of the internet and electronic communications; and
 - d. includes a component on civility, citizenship and character education in accordance with Education Law.
- 2. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others and oneself, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.
 - a. You should never feel that it is not safe for you to come to school and participate in all school activities.
 - b. You should never be prevented from concentrating on your schoolwork because another student or a school staff member is teasing you, making fun of you, pushing you around, or threatening you in some way, because of your race (including but not limited to hair texture and protective hairstyles), color, weight, national origin (where your family comes from), ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.
 - c. You may not act toward another student in a way that reasonably would make them feel threatened or unsafe, or that would reasonably make them unable to concentrate on their school work, because of what you think about their your race (including but not limited to hair texture and protective hairstyles), color, weight, national origin (where their family comes from), ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression) or sex.
 - d. It is against school rules for you to do this by your physical actions or by your verbal statements, including electronic messages.

VII. Consequences of Student Misconduct

A. Minimum Suspensions for Certain Misconduct

1. Possession of a Firearm

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- a. A student who possesses a firearm on MOBOCES property or at a MOBOCES event shall be suspended out-of-school for a minimum of twelve (12) months, provided that the District Superintendent or designee may modify this period of suspension on a case-by-case basis.
- b. An object is considered a “firearm” as defined under New York State or Federal law.
- c. The District Superintendent or designee is required to refer students to the County Attorney for a juvenile delinquency proceeding before the Family Court or to the appropriate law enforcement authorities pursuant to the Criminal Procedure Law §1.20(42), Family Court Act Article 3 and NYS Education Law §3214.

2. Violent Students

- a. Teachers shall immediately report and refer a Violent Student, as defined in this Policy and the law, to the building administrator, Program Director, or District Superintendent.
- b. A Violent Student shall be subject to a minimum out-of-school suspension of at least three (3) days, provided that the Program Director may reduce the period of suspension on a case-by-case basis.

3. Students Who Are Repeatedly Substantially Disruptive

- a. A student who is removed from the classroom by a teacher more than four (4) times in a semester (see Section IX.C.) will be considered to be repeatedly substantially disruptive of the educational process.
- b. A student who is repeatedly substantially disruptive, or who substantially interferes with a teacher’s authority over the classroom, will be suspended out-of-school for a minimum period of one (1) school day, provided that the Program Director may reduce the period of suspension on a case-by-case basis.

B. Progressive Consequences

The purpose of all discipline is to teach students appropriate and constructive behaviors. Disciplinary measures shall be appropriate to the age level and seriousness of the offense and, where applicable, to the previous discipline record

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of the student. Instances of the same type of conduct (e.g., disrupting education, or damaging property) may be more or less severe, and may therefore warrant a greater or lesser consequence.

This Code divides types of misbehaviors into four (4) levels of increasing seriousness, with more stringent disciplinary measures provided at each level. At each level there are examples of infractions to be treated at that level. The list is intended to be descriptive rather than exhaustive. School administrators are expected to select an appropriate consequence for each act of misconduct, based on their experience and knowledge of the individuals involved.

- C. Responses to acts of harassment, bullying and/or discrimination against students by students shall use measured, balanced, and age-appropriate remedies and procedures, with the goals of prevention and education, as well as intervention and discipline. We will consider:
1. The nature and severity of the conduct;
 2. the developmental age of the student engaging in the conduct;
 3. the actor's prior disciplinary record; and
 4. the impact of the conduct on the student at whom it was directed.
- D. The consequences for violations of student use of internet-enabled devices, will be handled as follows:

The Building Principal will contact the parent/person in parental relations and schedule a conference with the student and their parent/person in parental relations. The device will be returned to the student or the parent/person in parental relations at the conference or at the end of the school day.

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Level A These misbehaviors constitute minor infractions of school rules, which cause little harm and minimal disruption. They are best handled quickly and informally. If the behaviors continue, however, their very persistence may make them disruptive enough to cause them to be treated as more serious infractions with more stringent consequences.	
<u>Examples but not a complete list of possible Infractions</u> 1. Failure to follow instructions 2. Classroom disturbance 3. Cheating 4. Minor act of fighting 5. Neglect of safety rules 6. Violations of bus rules 7. Violations of dress code 8. Taunting, teasing, cyberbullying or bullying of others 9. Litter/graffiti 10. Disturbance outside classroom 11. Failure to bring in a note for absence 12. Abuse of hall or locker privileges 13. Tardiness 14. Inappropriate language and/or gestures 15. Inappropriate intimate physical interaction 16. Travel to and from MOBOCES in a personal vehicle without permission	<u>Possible Consequences</u> A. Verbal reprimand B. Seat change C. Behavioral contract D. Refer for counseling E. Restriction and/or loss of privileges F. Goal-oriented written assignment G. Parental contact and/or conference H. Clean-up after school and/or payment of damages I. Lunch or breakfast detention J. Warning letter K. Referral to social services
<u>Procedures</u> 1. The supervising staff or observer intervenes and applies the most appropriate discipline. 2. The staff member maintains a record of offenses and actions taken. A copy of such record shall be shared with the appropriate personnel. 3. If misbehavior persists, the staff member confers with the principal or the principal's designee and arranges for parental contact.	

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Level B Misbehaviors included at this level are frequent and/or serious enough to disrupt the learning climate of the school and affect the student's own ability to learn or may threaten the health and safety of oneself or others. Some of these infractions may be a result of misbehaviors which continue even after disciplinary measures are taken under Level A. Because of the frequency and/or seriousness of these misbehaviors, the administrator assumes the major responsibility for corrective action.	
<u>Examples but not a complete list of possible Infractions</u> 1. Unmodified Level A misbehavior 2. Continued harassment of other students 3. Repeated misbehavior on the school bus 4. Petty theft 5. Gambling 6. Use of profanity or obscenity 7. Possession or distribution of sexually explicit materials 8. Leaving school without permission 9. Defiance and insubordination including willful violation of safety rules 10. Defacing school property 11. Cutting scheduled classes or detention 12. Leaving class without permission 13. Excessive absences or truancy 14. Serious disruptive behavior	<u>Possible Consequences</u> A. Continuation of Level A responses B. Recommend or refer for sustained counseling C. Parental conference D. Temporary withdrawal of certain privileges or participation in school activities E. Teacher removal of a student from classroom F. In-school suspension G. Out-of-school suspension (except for truants) H. Meet with district or agency liaison I. Any combination of the above
<u>Procedures</u> 1. The teacher or observer reports the infraction or refers the student to the administrator. A written report will be submitted to appropriate personnel. 2. The administrator meets with the student and/or the teacher and determines the most appropriate disciplinary response, and then informs the teacher of the action taken. 3. The parent shall be notified. 4. The administrator maintains a record of the offense and the disciplinary action taken.	

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Level C Classified at this level are behaviors which may cause lasting harm to the misbehaving student or which may threaten the health, safety, or emotional well being of others in the school. If the misbehaviors at this level could violate criminal laws, administrators may, if they consider it appropriate, contact law enforcement officials. In most cases, however, these behaviors can best be remediated through disciplinary action at the school.	
<u>Examples but not a complete list of possible Infractions</u>	<u>Possible Consequences</u>
1. Unmodified Level B misbehavior 2. Repeated absence or truancy 3. Use or sale of all forms of tobacco, nicotine or e-cigarettes (smoking, inhaling, dipping, chewing, vaporizing, etc.) or associated paraphernalia products on school property, school bus, or at school sponsored events at all times. 4. Extortion 5. Stealing and/or possession and/or sale of stolen property 6. Physically threatening other students 7. Serious acts of defiance or threatening a teacher or support staff 8. Fighting (physical harm) 9. Vandalism 10. Possessing, using, or being under the influence of drugs or alcohol on school property or at school sponsored activities 11. Repeated serious disruptive behavior 12. Leaving school grounds without permission 13. Interference in the execution of duties of school personnel 14. Written or electronic communication which demeans or ridicules on the basis of race (including but not limited to hair texture and protective hair styles), gender (including gender identity or expression), ethnicity, religious belief or sexual orientation 15. Possessing or using a pellet or BB gun, or other non-lethal weapon, on school property or at school-related events 16. Written, verbal or implied threats of Violence	A. Continuation of appropriate Level B options B. Full withdrawal from participation in school activities C. Restitution for damages D. Referral to outside agency E. In-school suspension F. Out-of-school suspension (except for truants) G. Referral to superintendent for possible hearing H. Referral to judicial system I. Meet with district or agency liaison J. Any combination of above

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1. The infraction is reported or the administrator investigates further and confers with staff members on the circumstances and immediate needs.
2. The administrator confers with the student and parent about the documented misbehavior, its extent and consequences, and subsequent disciplinary action.
3. If suspension is part of the action, the administrator follows appropriate procedures.
4. If appropriate, the administrator contacts law enforcement officials.
5. Administrator makes an accurate record of the infraction.
6. Written statements are taken as needed.

Level D

Except for unmodified Level C behavior, the acts listed at this level represent a direct and immediate threat to the welfare of others or may result in serious injury to the student, other people, or property. In most cases, they require administrative action which immediately removes the student from school and calls for the intervention of appropriate authorities.

Examples but not a complete list of possible
Infractions

1. Unmodified Level C misbehavior
2. Possession and/or sale of stolen property
3. Extortion from other students
4. Indecent exposure
5. Tampering with a fire alarm
6. Pulling a false alarm
7. Starting a fire on school property
8. Major vandalism
9. Grand theft
10. Possession and/or use of explosives
11. Arson
12. Providing, selling, and use of illegal chemical substances and/or alcohol on school property and/or at school-sponsored activities
13. Making a bomb threat
14. Assault and battery
15. Possession, use, and/or transfer of lethal weapons on school property or at school-related activities
16. Incidents targeting individuals or groups with threats, ridicule, or violence, including written and electronically displayed ridicule

Possible Consequences

- A. Full restitution of damages
- B. In-school suspension
- C. Out-of-school suspension
- D. Referral to appropriate agencies
- E. Meet with district or agency liaison
- F. Any combination of the above

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1. Having verified the offense, the administrator meets with all of those involved.
2. The administrator initiates procedures according to established policy for excluding the student from school and notifies the parent immediately.
3. The administrator informs the Program Director and the District Superintendent.
4. MOBOCES officials contact the proper authorities and assist in prosecuting the offender.
5. The Program Director submits a complete and accurate record to the District Superintendent for possible Board action.

VIII. Procedures for Reporting and Evaluating Misconduct, and Assessing Consequences

A. Communications with Home and District of Enrollment

1. Parents shall be kept informed of all attendance and behavior issues. Copies of disciplinary referrals shall be provided to the parent. The student's district of enrollment shall be contacted when a student is absent; and when a student in the Alternative and Special Education programs is absent, the student's home shall be contacted.
2. Copies of all disciplinary referrals shall be provided to the appropriate administrator in a student's district of enrollment, including the consequences assessed.

B. Responses to Instances of Inappropriate Conduct

1. Student service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the code of conduct to the building administrator.
2. Any weapon, alcohol, tobacco, nicotine, e-cigarettes, illegal substance, unauthorized medication, inappropriate written material or images, any property in a student's possession that is being used in a manner disruptive to the school environment, or that creates a safety hazard, or other unauthorized property shall be confiscated and held in a secure location. The student's parent shall be notified.
3. Physical evidence of misconduct will be gathered in accordance with the Security Searches (Students) Policy 7021. The MOBOCES Board authorizes administrators to undertake searches of students and their possessions (e.g. pocket contents, book bags, handbags, etc.) when there is reasonable individualized suspicion that a student has violated or is

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violating the law, MOBOCES policy or regulation or school rules. The MOBOCES Board also authorizes designated staff to conduct metal detection screening searches of students and visitors to protect the school community from the possibility of the possession of weapons or other items in violation of MOBOCES policy. MOBOCES also retains the authority to examine the contents of all school property, such as student lockers, staff work areas, and both physical and digital files.

C. Removal from the Classroom by a Teacher

1. Teachers are authorized by the Education Law and this Policy to remove a student from the teacher's classroom if the student is substantially disruptive of the educational process, or if the student substantially interferes with the teacher's authority over the classroom.
2. A disruptive student may be removed from a teacher's classroom by a teacher at the Preschool-6 level for no more than the period of time devoted to instruction in a specific subject area. At the middle school and high school level a disruptive student may be removed from a teacher's classroom by a teacher for no more than one instructional period of that class for each disruptive incident. (A period of instruction will be determined by program design.) In the Career and Technical program a disruptive student may be removed from a teacher's classroom by a teacher for no more than one session. If the period or session is less than 25% completed when the student gets removed, then that period or session counts as one instructional period of removal.
3. Behaviors which do not rise to the level defined as disruptive shall be subject to traditional practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain their composure and self-control in an alternative setting. Such practices may include, but are not limited to:
 - a. short-term visit in an elementary classroom or in administrator's office;
 - b. sending a student to the principal's office for the remainder of the class time only; or
 - c. sending a student to a guidance counselor or other MOBOCES staff member for counseling.

Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

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4. If the student's behavior does not present a continuing danger or an ongoing threat of disruption to the academic process, the teacher shall notify the student of the reasons for the removal prior to the removal and allow the student to present their version of the events. If the student's behavior does present a continuing danger or ongoing threat as stated above, the teacher may immediately dismiss the student from the classroom; and explain the basis of the removal and allow the student to present their version of the events within twenty-four (24) hours of the removal.
5. A teacher initiating removal of a student from the classroom pursuant to the provisions of this code of conduct shall inform the building administrator of the basis of the removal and complete a written disciplinary referral form detailing the basis of the removal. This referral will include a written educational plan for the duration of the removal period.
6. Within twenty-four (24) hours of the removal, the building administrator or their designee (another administrator) must inform the parent of the reasons for the removal from class. On request, the student/parent must be given an opportunity to discuss those reasons with the building administrator or their designee. The teacher shall be involved in the conference, unless the building administrator decides, based upon extenuating circumstances, that it is not beneficial to have the teacher involved in such conference.
7. If the student denies the charges, the student/parent must be given an explanation of basis for removal and an opportunity to present their version. This must take place within forty-eight (48) hours of the removal.
8. The building administrator or their designee must decide, by the close of business on the day following the parent's opportunity to be heard, whether the discipline shall be set aside. The administrator or their designee may only set aside discipline if:
 - a. The charges against the student are not supported by substantial evidence,
 - b. The student's removal is in violation of law, or
 - c. The conduct warrants an out-of-school suspension and a suspension will be imposed.
9. MOBOCES shall provide continued educational programming to students who are removed from class by a teacher.

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D. Suspension from School

1. Principals are authorized to suspend students for a period of five (5) or fewer days in accordance with Section 3214 of the Education Law. This shall occur only after the Principal confers with the District Superintendent or designee.
 - a. A building administrator must immediately notify the student verbally. If the student denies the misconduct, the building administrator must provide an explanation of the basis for the proposed suspension.
 - b. Written notification by the District Superintendent or designee shall be sent to the student's parents that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within twenty-four (24) hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone by a building administrator if the school has been provided with a telephone number(s) for the purpose of contacting the parents. The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with a building administrator.
 - c. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents.
 - d. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the building administrator may establish.
 - e. The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.
 - f. After the conference, the building administrator shall confer with the District Superintendent or designee and then shall promptly

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advise the parents in writing of their decision. The notice shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the District Superintendent or designee within five (5) business days, unless they can show extraordinary circumstances precluding them from doing so.

- g. The District Superintendent or designee shall issue a written decision regarding the appeal within ten (10) business days of receiving the appeal. If the parents are not satisfied with the District Superintendent's or designee decision, they must file a written appeal to the Board with the District Clerk within ten (10) business days of the date of the District Superintendent's or designee decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the MOBOCES Board may be appealed to the Commissioner within thirty (30) days of the decision.

- 2. When a suspension out of school for more than five (5) days is considered appropriate:
 - a. The District Superintendent or designee shall give reasonable notice to the student and the student's parents of their right to a fair hearing.
 - b. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against them and the right to present witnesses and other evidence on their behalf.
 - c. The District Superintendent or designee may serve as hearing officer, or may, at their discretion, designate a hearing officer to conduct the hearing.
 - d. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before them.
 - i. A record of the hearing shall be maintained, but no stenographic transcript shall be required;
 - ii. A tape recording shall be deemed a satisfactory record;
 - iii. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the District Superintendent or designee;

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- iv. The report of the hearing officer shall be advisory only; and
- v. the District Superintendent or designee may accept or reject all or any part thereof.
- e. An appeal of the decision of the District Superintendent or designee may be made to the Board.
 - i. All appeals to the Board must be in writing and submitted to the clerk within ten (10) business days of the date of the District Superintendent's or designee decision, unless the parents can show that extraordinary circumstances precluded them from doing so;
 - ii. The MOBOCES Board may adopt in whole or in part the decision of the District Superintendent or designee; and
 - iii. Final decisions of the MOBOCES Board may be appealed to the Commissioner within thirty (30) days of the decision.

E. Responding to Reports of Possible Harassment or Discrimination

1. In addition to the procedures described elsewhere in this Policy for the removal of disruptive students and possible suspension from attendance, MOBOCES provides a procedure for responding to reports of possible discrimination, ~~or~~ harassment, or bullying against students by another student, an employee, or any other person on school property or at a school function. The process is described in Policy 0015, Prohibition of Discrimination, Harassment, and Bullying.
2. MOBOCES has also designated a Dignity Act Coordinator for each school. Those Coordinators are:

Randy Raux, Director of Continuing Education, 315-361-5800
 Owen Maranville, Director Middle-Level Programs, 315-361-8404
 Amanda Hopkins, Director Elementary Programs, 315-361-8458

The Dignity Act Coordinators are trained in methods to respond to human relations in the areas of race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (including gender identity or expression) and sex. They are available to speak with any person who has witnessed possible discrimination or harassment, or if that person has experienced treatment that may be prohibited discrimination or harassment.

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F. No Retaliation for Reporting

No act of retaliation may be directed at any person who makes a good faith report of conduct by another person that may reasonably be a violation of this Code, or who assists in, or is part of, the investigation of such a report. To engage in such retaliation is considered a violation of this Code.

IX. Law Enforcement Involvement in Searches and Interrogations of Students

A. MOBOCES is committed to cooperating with law enforcement authorities to maintain a safe environment for its students. However, law enforcement has limited authority to interview or search students at MOBOCES facilities or events. When interacting with students, it is the responsibility of law enforcement to ensure they are being provided the same rights they would have outside of MOBOCES and that the rights of students are properly administered.

B. Law enforcement authorities may question or search students, or conduct an investigation involving students on MOBOCES property or at MOBOCES events, only if they have:

1. A search warrant or arrest warrant;
2. Probable cause to believe a crime has been committed on MOBOCES property or at a MOBOCES event;
3. Been invited by BOCES administrators when reasonable suspicion to believe a crime on MOBOCES property or at a MOBOCES event has taken place; or
4. There is an emergency or an immediate need for assistance.

Before law enforcement authorities are permitted to question or search an elementary, secondary, or adult education student under the age of eighteen (18), the building principal shall attempt to contact their parent or legal guardian to give them the option to be present, or to obtain consent. Any such conversation with the parent or guardian shall be appropriately documented in that student's file.

The Building Principal shall be present during any questioning, search, or investigation.

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If the parent or guardian is unable to be contacted or refuses to consent, any questioning or search shall not be conducted, unless there is an emergency or an immediate need for assistance.

X. Students with Disabilities

- A. The Board of Education recognizes that the need to address disruptive or problem behavior within its schools may result in the suspension, removal or other discipline of students with disabilities eligible for services under the **Individuals with Disabilities Education Act** (IDEA) and Article 89 of the Education Law (Article 89) and their implementing regulations. It also recognizes that these students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them.

A student with a disability may not be removed pursuant to Section 201.7 of the Regulations of the Commissioner of Education if the imposition of the five (5) school day or ten (10) school day suspension or removal would result in a disciplinary change in placement based on a pattern of suspensions or removals as determined by school personnel in accordance with the criteria set forth in section 201.2 except where the **Committee on Special Education** (CSE) has determined in accordance with section 201.4 that the behavior was not a manifestation of such students' disability, or the student is placed in an IAES as authorized under Commissioner's Regulations.

"Disciplinary change in placement" means a suspension or removal from a student's current educational placement that is either:

1. for more than ten (10) consecutive school days; or
 2. for a period of ten (10) consecutive days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
- B. Accordingly, it shall be the Board's Policy that the procedures followed for suspending, removing or otherwise disciplining students with disabilities eligible for services under IDEA and Article 89 will conform with the procedural safeguards required by applicable laws and regulations.
- C. This Policy incorporates by reference the Procedural Safeguards for Students with Disabilities Subject to Discipline set forth in Part 201 of the Regulations of the Commissioner of Education, which implement the procedural protections provided under New York's Education Law and which coordinate the state's

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general procedures or suspension of students with disabilities with the requirements of IDEA and its implementing regulations.

The procedures relating to the discipline of students with disabilities require MOBOCES personnel who recommend the suspension or removal of students to work closely with CSEs, to establish clear guidelines for communication and decision making on disciplinary matters. The following provides a framework for the actions that schools must take when determining that a student with a disability will be suspended or removed for behaviors that violate the school Code of Conduct.

In order to initiate the removal of a student with a disability from the classroom, the teacher must first determine if the suspension will result in removing a student for more than ten (10) school days in a school year or impose a suspension or removal that constitutes a disciplinary change or placement.

1. If no, the following procedure(s) must be followed in conjunction with the teacher's supervisor or director:
 - a. Suspensions shall be administered in accordance with Section 3214 of Education Law and application to Part 201 of the Regulations of the Commissioner of Education.
 - b. Referral to the CSE may be made for either/or:
 - i. Addition and/or modification of the IEP for supplementary aids and services;
 - ii. Review or modification of an existing behavior intervention plan;
 - iii. Functional behavioral assessment; or
 - iv. Change in placement
2. If yes, the following procedure must be followed in conjunction with the teacher's supervisor or director:

Referral to the CSE for a Manifestation Hearing:

- a. If the behavior is related to the student's disability, unless the parent and district otherwise reach an agreement, immediately return the student to their current educational placement; or

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- b. If the behavior is not related to the student's disability, the student may be suspended or removed for the behavior.
 - D. Moreover, consistent with the IDEA and New York Education Law, student service personnel, teachers and/or administrators who identify a student with a disability whose behavior is repeatedly interfering with their own or other's learning shall refer such individual to the CSE for a functional behavioral assessment and behavior intervention plan or, if one exists, for review of same.
 - E. Consistent with the IDEA and its implementing regulations, when a student with a disability engages in conduct that may be a crime, the Program Director may report that conduct to a law enforcement agency, and that report shall not be deemed a change in placement.
- XI. Conduct by School Employees
 - A. Acceptable conduct by school employees shall be consistent with the role of teachers and staff outlined in Section IV of this Code and the standards of conduct set forth in Section V of this Code.
 - B. Prohibition of Corporal Punishment
 - 1. Pursuant to Commissioner's Regulation 19.5, teachers, administrators, officers, employees, and agents are prohibited from using the following against a student:
 - a. Corporal punishment;
 - b. Placing a student in a locked room or space;
 - c. Restraints used in such a manner that restrict the student's ability to breathe or communicate, or that harms the student;
 - d. Aversive interventions;
 - e. Prone restraints; and
 - f. Mechanical restraints.
 - 2. The use of physical restraints will align with NYS law and regulations as outlined in Policy 7068.
 - C. Acceptable Attire

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1. Appropriate professional attire is expected to be worn by all staff members. Clothing shall be neat and clean, and be in compliance with this Code of Conduct, including Section V.
 2. Staff dress standards set an example for students. Clothing that is not appropriate for students is not appropriate for staff. Conversely, clothing styles that are tolerated when worn by students may not be appropriate for staff.
- D. Communication with Parents, Students, Other School Employees, Administrators or other Persons on School Property

Acceptable: Appropriate, professional communication is expected from all staff.

Unacceptable: Employees of MOBOCES shall refrain from the use of profane, lewd, vulgar or abusive language or words which may incite or offend another person.

XII. Collaboration with Community Resources and Law Enforcement

A. Human Services Agencies and **Person In Need of Supervision (PINS)** Petitions

1. When there is evidence of educational neglect, the Program Director, in consultation with the Assistant Superintendent for Curriculum & Instruction, shall determine whether a report to the appropriate agency is warranted.
2. When there is evidence of child abuse, neglect, or maltreatment, all mandated reporters shall follow the procedures established by law and MOBOCES Policy 7042.
3. When a student is frequently absent from or tardy to MOBOCES programming without valid excuse; is habitually disobedient, ungovernable, or non-compliant with this Code of Conduct on MOBOCES property or at MOBOCES events; then the building administrator, in consultation with the Program Director, shall initiate the pre-PINS diversion process with the appropriate county lead agency.
 - a. The student's district of enrollment shall be notified.
 - b. MOBOCES staff shall cooperate with all efforts by social service providers that do not interfere with the mission of the MOBOCES educational program.

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4. If MOBOCES is notified by the responsible county lead agency that no further diversion services are warranted, the building administrator, in consultation with the Program Director, shall determine whether to initiate a PINS petition in Family Court. A PINS petition shall be reviewed by a MOBOCES staff School Attorney before being filed.

B. Law Enforcement Agencies and Juvenile Delinquency Complaints

1. Whether a particular act in violation of this Code is reported to a law enforcement agency shall be determined by the building administrator, in consultation with the Program Director. When MOBOCES utilizes a **School Resource Officer (SRO)** who is an employee of a law enforcement agency, the SRO shall be the initial point of reporting.
 - a. The following acts shall be reported to an appropriate law enforcement agency, unless the Program Director documents a reason satisfactory to the District Superintendent or designee for not doing so: possession of a weapon, possession of any controlled substance (including marijuana), physical assault, and theft or destruction of property having an apparent value over \$100.
 - b. Other acts may be reported to a law enforcement agency when the building administrator, in consultation with the Program Director, determines it is appropriate.
 - c. When an act is reported to a law enforcement agency as a possible crime, it remains the responsibility of the building administrator to collect the information necessary to make a determination as to the appropriateness of disciplinary consequences under this Code.
2. In general, the person against whom the criminal act was directed should be identified as the complainant where the district attorney decides to initiate a juvenile delinquency petition. MOBOCES, or a MOBOCES employee in their official capacity, may only be identified as the complainant when the District Superintendent or designee determines that it is appropriate to proceed in that manner.

XIII. Review and Modification of Code of Conduct

A. Annual Review

This Code of Conduct shall be reviewed annually and updated as necessary, taking into consideration the effectiveness of Code provisions and the fairness and consistency of its administration.

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B. Modifications to the Code of Conduct

A revision to the Code of Conduct will be adopted only after discussion at one or more Board meetings that provides for the participation of school personnel, parents, students and any other interested party.

XIV. Notice of Code of Conduct Provided to Interested Parties

A. The MOBOCES Board shall ensure community awareness of these provisions and of the Code of Conduct by:

1. Posting the complete Code of Conduct on the MOBOCES internet website, including any annual updates or amendments thereto.
2. Providing copies of a summary of the Code of Conduct to all students, in an age-appropriate version, written in plain language at the beginning of each school year.
3. Providing by mail or electronically a plain language summary of the Code of Conduct to all parents before the beginning of each school year and making the summary available thereafter upon request.
4. Providing each existing teacher with a copy of the complete Code of Conduct and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code of Conduct, and providing new teachers with a complete copy of the current Code of Conduct upon their employment.
5. Making complete copies of the Code of Conduct available for review by students, parents, other school staff, and community members.
6. Providing training to teachers, administrators, and staff designed to address the concepts and issues incorporated in the Dignity Act, including, but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students and/or school employees.
7. Providing “safe and supportive school climate concepts” in the MOBOCES curriculum.

B. In-Service Education:

In-service education regarding this Code of Conduct will be provided to all staff at the beginning of each school year. In-service education shall include MOBOCES policy for conduct on school grounds and at school functions,

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methods for promoting a safe and supportive school climate, and ways of discouraging discrimination and/or harassment against students by other students or school employees.

- C. MOBOCES shall file a copy of its Code of Conduct any amendments with the Commissioner of Education no later than thirty (30) days after their respective adoptions.

Madison-Oneida Board of Cooperative Educational Services

Legal Ref: NYS Education Law §§2801, 3214; 8 NYCRR § 100.2

Adopted: 08/23/01

Revised: 08/19/10, 04/11/12, 08/08/12, 06/06/13, 12/03/15, 07/12/17, 09/07/17, 06/07/18,
06/04/20, 08/05/21, 07/07/22, 09/01/22, 06/01/23, 08/07/25