



**ORLEANS/NIAGARA BOCES
CAREER AND TECHNICAL EDUCATION
CODE OF CONDUCT/POLICY MANUAL**

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SUMMARY OF ORLEANS/NIAGARA BOCES CODE OF CONDUCT

I. Introduction

The Orleans/Niagara Board of Cooperative Educational Services (hereinafter sometimes referred to as “BOCES” or “the BOCES” or “the Board”) board of education ("board") is committed to providing a safe and orderly school environment where students may receive and BOCES personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other BOCES personnel, parents and other visitors is essential to achieving this goal.

The BOCES has a long-standing set of expectations for conduct on school property and at school functions. Those expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define those expectations for acceptable conduct on school 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 ("the code").

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

II. Definitions

For the purposes of this code, the following definitions apply unless otherwise stated.

"Disruptive student" means an elementary or secondary student under the age of 21 who substantially disrupts or interferes with the educational process or with a staff member's authority.

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

"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 in or on a school bus, as defined in Vehicle and Traffic Law §142.

“School function” means any school-sponsored extracurricular event or activity.

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, threatens to do so 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 BOCES property.
8. Engages in other conduct that is determined to be violent.

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used in a manner to cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

GENERAL RIGHTS OF STUDENTS

- I. To be treated with respect by school personnel.
- II. To receive a quality education.
- III. To have an environment in which personal respect for self, others, and property can be developed.

SPECIFIC RIGHTS OF STUDENTS

- I. To be treated with respect by school personnel. Every student has the right to:
 - A. Be treated fairly.
 - B. Know the rules.
 - C. Know the consequences of one's own behavior.
 - D. Be treated as an individual.
 - E. Have pleasant interactions with adults.
 - F. Be told when he/she is doing well.
 - G. Confidentiality, to the extent practicable and appropriate, in reports and discussions of personal and academic performance.
 - H. Express one's own view in a constructive manner.

- I. Take part in all activities on an equal basis regardless of, and be free from discrimination or harassment on the basis of, actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation or disability. Terms in the preceding sentence shall be defined as provided for in Article Two (2) of the Education Law.
- J. Present his or her version of relevant events to school personnel authorized to impose a disciplinary penalty, in connection with the imposition of the penalty.
- K. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.

II. Right to quality education. Every student has a right to:

- A. A free, appropriate, public education.
- B. Attend school.
- C. Know what the school's expectations are.
- D. Appropriate and current materials.
- E. Participate in the IEP conference as per special education policy and add to the IEP.
- F. Participate in regular educational activities to the extent of his/her ability.
- G. Have questions answered honestly.
- H. Receive academic and personal help.
- I. Help plan their own activities and instruction.
- J. A variety of instructional activities.
- K. Choose participation in extracurricular courses and/or activities, contingent upon meeting requirements for eligibility.
- L. An orderly school.
- M. Be active in student government, where it exists.

III. Right to an environment in which they can develop respect for self/others/property. Every student has a right to:

- A. Have his/her mistakes considered by adults as opportunities for the student to learn.
- B. Have a classroom that is conducive to learning.
- C. Have clear communication channels to one's teachers and with others in authority.
- D. Be exposed to appropriate adult models.
- E. Ask questions.
- F. Due process.
- G. Feel safe and comfortable in one's environment in order to learn.
- H. Freedom from prohibited discrimination.

B. Student Responsibilities

GENERAL RESPONSIBILITIES OF STUDENTS

Every student has the responsibility to make a reasonable effort to develop:

- I. Respect for oneself.
- II. Respect for others and for the school.
- III. Respect for property.
- IV. Respect for learning and knowledge.

SPECIFIC RESPONSIBILITIES OF STUDENTS

All BOCES students have the responsibility to:

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

IV. Essential Partners

A. Parents

It shall be the responsibility of parents to:

1. Send their children to school ready to participate and learn.
2. Make certain their children's attendance at school is regular and punctual and that all absences are properly excused.

3. Insist that their children are clean and dressed and groomed in compliance with the dress code and reasonable directives of school personnel and in a manner that will not disrupt classroom procedures.
4. Guide their children from the earliest years to develop socially acceptable standards of behavior, to exercise self-control and to be accountable for their actions.
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
6. Teach their children, by word and example, respect for law, for the authority of the school, and for the rights and property of others.
7. Know and understand school rules, help their children understand those rules, be aware of the consequences for any violation of those rules, and accept legal responsibility for their children's actions.
8. Instill in their children a desire to learn; encourage a respect for honest work and an interest in exploring broader fields of knowledge.
9. Convey to their children a supportive attitude toward education and the BOCES. Become acquainted with their child's school, its staff, curriculum and activities. Attend parent-teacher conferences and school functions.
10. Build positive, constructive relationships with school faculty and staff, other parents, and their children's friends.
11. Help their children deal effectively with peer pressure.
12. Inform school officials of changes in the home situation that may affect student conduct or performance.
13. Provide a place for study and ensure homework assignments are completed.
14. Support the goals of the BOCES instructional program.

B. Teachers and Staff

It shall be the responsibility of the teachers and staff to conduct themselves as follows:

1. Reflect a personal enthusiasm for teaching and learning, and a genuine concern for the individual student.
2. Guide learning activities so students learn to think and reason, assume responsibility for their actions, and respect the rights of others.
3. Participate in the establishment of school rules and regulations regarding student behavior; explain those rules to students and require observance of them.
4. Be fair, firm and consistent in enforcing school rules in classrooms, hallways, restrooms, school buses, on school grounds and at all school sponsored activities.
5. Give positive reinforcement for acceptable behavior.
6. Demonstrate, by word and personal example, respect for law and order and self-discipline.
7. Refer to a counselor, school psychologist, school social worker or administrator, any student whose behavior requires special attention.
8. Inform parents regarding student achievement and behavior; and consult with parents whenever practicable.
9. Require and be knowledgeable of effective classroom management and instruction.

10. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn. Terms in the preceding sentence shall be defined as provided for in Article Two (2) of the Education Law.

C. Administrators

It shall be the responsibility of the administrators in the exercise of authority delegated by the Board and District Superintendent to conduct themselves as follows:

1. Create the best teaching-learning situation possible.
2. Require and be knowledgeable of effective classroom management and instruction.
3. Provide leadership in establishing reasonable rules and regulations for the well-ordered operation of the school.
4. Make those rules and regulations known to and understood by students, parents and all school staff.
5. Receive teacher, counselor, school psychologist and school social worker referrals of students with behavior problems; confer with those students; communicate with parents; and set up cooperative procedures for bringing about modification of the student's behavior.
6. Be fair, firm and consistent in all decisions affecting students, parents and staff.
7. Demonstrate, by word and personal example, respect for law and order, self-discipline and genuine concern for all persons coming under their authority.
8. Become acquainted with students by visiting classrooms and attending school activities.
9. Maintain open lines of communication between school and home.
10. Refer to the District Superintendent for consideration those disciplinary situations for which the recommended action would exceed the administrator's legal authority.
11. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn. Terms in the preceding sentence shall be defined as provided for in Article Two (2) of the Education Law.

D. District Superintendent and Board of Education

It shall be the responsibility of the District Superintendent and the Board of Education to conduct themselves as follows:

1. Maintain a well-trained staff at all levels.
2. Inform the community regarding what is expected of students and the consequences if rules are violated.
3. Give full support to the staff charged with the responsibility for enforcing discipline in accordance with district policies and New York State Law.
4. Develop programs that provide for students with special needs.

5. Be fair and consistent in making the final decisions regarding those students whose behavior problems have been appealed to the District Superintendent or to the School Board.
6. Become acquainted with the schools, staff and students by visiting buildings regularly and by attending school activities.
7. Maintain professional and courteous interaction among Board members and between Board members and the District Superintendent.
8. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn. Terms in the preceding sentence shall be defined as provided for in Article Two (2) of the Education Law.

E. Dignity Act Coordinators

1. Promote a safe, orderly, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, which will strengthen students' self-concept and promote confidence to learn. Terms in the preceding sentence shall be defined as provided for in Article Two (2) of the Education Law.
2. Address incidents of bullying, harassment, or any situation that threatens the emotional or physical health or safety of any student.

V. Student Dress Code

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

A student's dress, grooming and appearance shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
3. Not include items that are vulgar, obscene, libelous or denigrate others.
4. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs, contain sexual references or innuendo, and/or encourage other illegal or violent activities.
5. Meet fair standards of the field of employment.
6. Recognize that extremely brief garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back), distracting shorts, clothing that allows midriffs to be exposed, and see-through garments are not appropriate.
7. Not include extremely tight clothing.
8. Not include the unauthorized wearing of coats, jackets, or trench coats during the school day.

9. Not include the unauthorized wearing of head coverings in school, except for a bona fide medical or religious purpose.
10. Not include any attire that a BOCES administrator has designated as a gang or group identity that may become disruptive or intimidating.
11. Ensure that underwear is completely covered with outer clothing.

Each building principal or his or her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Any student who violates the dress code shall be subject to discipline, up to and including suspension from school.

VI. Prohibited Student Conduct

The board of education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, BOCES personnel and other members of the school community, and for the care of school facilities and equipment.

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. BOCES personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The BOCES recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who do not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly. Examples of disorderly conduct include but are not limited to:
 1. Running in hallways.
 2. Making unreasonable noise.
 3. Using language or gestures that are profane, lewd, vulgar or abusive.
 4. Obstructing vehicular or pedestrian traffic.
 5. Engaging in any willful act that disrupts the normal operation of the school community.
 6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
 7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES' acceptable use policy.
 8. Unauthorized display, use, or carrying of personal electronic devices, including but not limited to cell phones, smart phones, I-pods, and/or digital cameras.

9. Any conduct that constitutes or promotes distraction from or disruption of the learning environment or undermines health or safety.
 10. Any inappropriate display of affection.
 11. Initiation of a report warning of fire or other exigency without valid cause, misuse of 911 or other emergency notice system or mechanism, causing a false alarm, or inappropriately discharging a fire extinguisher.
 12. Stealing or attempting to steal the property of other students, school personnel or any other person.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students; or otherwise demonstrating disrespect.
 2. Lateness for, missing or leaving school without permission.
 3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
 2. Unauthorized display, use, or carrying of personal electronic devices, including but not limited to cell phones, smart phones, I-pods, and/or digital cameras.
 3. Any conduct that constitutes or promotes distraction from or disruption of the learning environment or undermines health or safety.
- D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee, or attempting to do so.
 2. Subjecting another individual to indecent, lewd or unwanted physical contact.
 3. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property, or attempting to do so.
 4. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
 5. Possessing or displaying what appears to be a weapon.
 6. Threatening to use any weapon.
 7. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other employee or any person lawfully on school property, including graffiti or arson.
 8. Intentionally damaging or destroying school property.

9. Threatening the health and safety of others, whether or not the threat is made or uttered on school premises. This prohibition shall apply to, but shall not be limited in application to, bomb threats.
- E. Engage in any conduct that endangers the safety, morals, health or welfare of others.

Examples of such conduct include but are not limited to:

1. Lying to school personnel.
2. Stealing or attempting to steal the property of other students, school personnel or any other person.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that demean and harm the reputation of the person or the identifiable group.
4. Discrimination, including the use of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex as a basis for treating another in a negative manner.
5. Harassment, which includes conduct directed at an identifiable individual or group that is intended to be or that a reasonable person would perceive to be ridiculing or demeaning, or that creates a hostile, abusive, or intimidating environment.
6. Intimidation, which includes engaging in actions or making statements that put an individual in fear of bodily harm.
7. Bullying, including but not limited to any hostile activity that harms, induces fear, creates a hostile, intimidating, or abusive environment, and/or creates terror. Bullying can be: Physical (including but not limited to hitting, kicking, spitting, pushing, and/or taking personal belongings); verbal (including but not limited to taunting, malicious teasing, name-calling, and/or making threats); and/or psychological (including but not limited to spreading rumors, manipulating social relationships, and/or engaging in social exclusion, extortion, or intimidation).
8. Hazing, which includes harassment or any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
9. Cyberbullying, which includes but is not limited to any use of technology that constitutes harassment, teasing, intimidation, threatening, or terrorizing of another individual. Examples of such conduct include but are not limited to sending or posting inappropriate or derogatory e-mail or other electronic messages, instant messages, text messages, digital pictures or images, or Web site postings (including but not limited to blogs).
10. Selling, using or possessing obscene material.
11. Using vulgar or abusive language, cursing or swearing.
12. Possessing, using, or smoking a cigarette, cigar, pipe, tobacco, an electronic cigarette, and/or a look-alike cigarette.
13. Possessing, consuming, selling, transferring, distributing, exchanging, or being under the influence of any alcoholic beverages, any illegal or unauthorized drugs, or any illegal or unauthorized substances. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs or substances, and any substances commonly referred to as "designer drugs".

14. Unauthorized possession, use, sale, dissemination, exchange, or sharing of prescription or over-the-counter drugs.
 15. Possessing, selling, transferring, distributing, or exchanging any drug, drug-related, alcohol, or alcohol-related tools, equipment, paraphernalia, containers, and/or storage devices.
 16. Gambling.
 17. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
 18. Initiation of a report warning of fire or other exigency without valid cause, misuse of 911 or other emergency notice system or mechanism, causing a false alarm, or inappropriately discharging a fire extinguisher.
 19. Subjecting any other student(s), school personnel, or any other person to danger by engaging in conduct that creates a risk of injury or harm.
- F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on school 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 established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
1. Plagiarism.
 2. Cheating.
 3. Copying.
 4. Altering records.
 5. Assisting another student in any of the above actions.
- H. Engage in any on-campus or off-campus conduct that interferes with, disrupts, or negatively impacts the school environment or educative process, or that can reasonably be expected to interfere with, disrupt, or negatively impact the school environment or educative process. As provided for in statute, the terms “bullying” and “harassment”, as used in this policy, shall mean: The creation of a hostile environment by conduct or by verbal 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 well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation, or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based upon a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The foregoing definition shall include acts of “bullying” and “harassment” that occur on school property, at a school function, or off school property where such acts create 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. Examples of such conduct include but are not limited to:

1. Cyberbullying, which includes but is not limited to any use of technology that constitutes harassment, teasing, intimidation, threatening, or terrorizing of another individual. Examples of such conduct include but are not limited to sending or posting inappropriate or derogatory e-mail or other electronic messages, instant messages, text messages, digital pictures or images, or Web site postings (including but not limited to blogs).

VII. Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the district superintendent.

All BOCES staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. BOCES staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations to the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee shall promptly notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of the school. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

VIII. Disciplinary Penalties, Procedures and Referrals

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. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the student's ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

1. The student's age.
2. The nature of the offense and the circumstances which led to the offense.
3. The student's prior disciplinary record.

4. The effectiveness of other forms of discipline.
5. Information from parents, teachers and/or others, as appropriate.
6. Other extenuating circumstances.

As a general rule, discipline will be progressive, meaning that a student's first violation will usually merit a lighter penalty than subsequent violations. If the conduct of a student is related to a disability or suspected disability, then the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, to the extent that such discipline is prohibited by law.

The District Superintendent shall be authorized to establish rules and procedures to ensure compliance with any provisions of law relating to the provision of continued educational programming and activities (to include alternative educational programs appropriate to individual student needs) for students removed from the classroom, placed in detention or suspended from school.

A. Penalties or Remedies

Students who are found to have violated the BOCES' code of conduct may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – member of the BOCES staff
2. Written warning – bus drivers, teacher aides, monitors, teachers, administrators, district superintendent
3. Written notification to parent – bus drivers, teacher aides, monitors, teachers, certificated support staff (including school psychologists, school counselors, school social workers, speech/language therapists and therapists for the visually impaired), administrators, district superintendent
4. Placement in alternative learning classroom or loss of privileges classroom – administrators (who may delegate such authority), district superintendent
5. Detention – teachers, certificated support staff (including school psychologists, school counselors, school social workers, speech/language therapists and therapists for the visually impaired), administrators, district superintendent
6. Suspension from social or extracurricular activities – activity directors, teachers, administrators, district superintendent
7. Suspension of other privileges – administrators, district superintendent
8. Suspension from transportation – administrators, district superintendent
9. In-school suspension – administrators, district superintendent
10. Removal from classroom by teacher – teachers, principal
11. Short-term (5 days or less) suspension from school – administrators, district superintendent, board of education
12. Long-term (more than five days) suspension from school – administrators, district superintendent, board of education

13. Permanent suspension from school – administrators, district superintendent, board of education

IX. Discipline of Students with Disabilities

The BOCES recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The BOCES also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The BOCES is committed to working with the component school districts to ensure that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code of conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state laws and regulations.

Public Conduct on School Property

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

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

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school property or the personal property of a teacher, administrator, other BOCES employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.

4. Distribute or wear materials on school grounds or at school functions that are obscene, are discriminatory in nature, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person on the basis of a classification protected by law.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restriction on vehicles.
9. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either, on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the BOCES.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.

B. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020-a or any other legal rights that they may have.

4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.
6. Violators of parking rules or regulations, or other restrictions on vehicles, will be subject to having their vehicle(s) towed.
7. Any individual violating this code may be subject to a ban from BOCES premises.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

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

ORLEANS/NIAGARA BOCES STATEMENT PERTAINING TO STUDENT RECORDS

This statement on behalf of the Orleans/Niagara Board of Cooperative Educational Services (hereinafter sometimes referred to as “Orleans/Niagara BOCES” or “the BOCES”) is to inform you of the rights of parents and students with respect to education records pursuant to the Federal Family Educational Rights and Privacy Act.

Parents of a student under 18 years of age, or students 18 years of age or older, have the right to inspect and review any and all official records, files, and data directly related to their children or themselves, including all material that is incorporated into each student’s cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

A parent of a student under 18 years of age or a student 18 years of age or older may make a request for access to that student’s school records, in writing, to the program supervisor or coordinator. Upon receipt of such request, arrangements shall be made to provide access to such records within a reasonable period of time, but in any case, not more than 45 days after the request has been received.

If information contained in the student’s record is believed to be inaccurate or misleading, the parent or eligible student should write to the supervisor or coordinator, clearly identifying the part of the record he or she wants changed, and specify why it is inaccurate or misleading. If the BOCES does not amend the record as requested, the parent or eligible student will be notified of the decision and advised of his or her right to a hearing regarding the request for amendment.

Student records, and any material contained therein which is personally identifying, are confidential and generally may not be released or made available to persons other than parent or student without the written consent of such parent or student. There are a number of exceptions to that rule, including but not limited to exceptions that authorize (and will prompt Orleans/Niagara BOCES to make) disclosures of such records and/or information: To Orleans/Niagara BOCES employees and/or officials who are determined to have legitimate educational interests; to representatives of other schools, school systems, and/or institutions of postsecondary education in which the student is enrolled and/or in which the student seeks or intends to enroll, so long as the disclosure is for purposes related to the student’s transfer or enrollment; certain state and federal officials who have a legitimate need for access to such records in the course of their business; in case of a health or safety emergency, to the extent authorized by law; and in response to a court order or lawfully issued subpoena, to the extent authorized by law.

Regarding the exception that permits the Orleans/Niagara BOCES to disclose education records (without consent) to school employees and/or officials with legitimate educational interests, a school employee or official includes: A person employed by Orleans/Niagara BOCES as an administrator, supervisor, instructor, or support staff member (including but not limited to health or medical staff and/or law enforcement unit personnel); a person serving on the Orleans/Niagara Board of Cooperative Educational Services; a person or company (including but not limited to an attorney, auditor, medical consultant, or therapist) to whom the BOCES has outsourced services or functions that it would otherwise assign its employees to perform; a school resource officer; a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school employee or official in performing his or her tasks. A school employee or official has a legitimate educational interest if the employee or official needs access to an education record in order to fulfill his or her professional responsibility.

Orleans/Niagara BOCES may routinely disclose designated directory information without written consent, unless you have notified the Orleans/Niagara BOCES to the contrary in accordance with Orleans/Niagara BOCES procedures. One purpose of directory information is to allow the Orleans/Niagara BOCES to include this type of information from your child’s education records in certain school publications including but not limited to newsletters, articles, calendars, etc.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside persons and organizations without a parent's prior written consent. Outside organizations include, but are not limited to, news media, military personnel, and police and law enforcement agencies. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent.

If you do not want Orleans/Niagara BOCES to disclose directory information from your education records (or those of your child) without your prior written consent, you must notify the Orleans/Niagara BOCES in writing by no later than the tenth (10th) day of instruction. Please send your written request to: Labor Relations Office, Orleans/Niagara BOCES, 4232 Shelby Basin Road, Medina, NY 14103. Orleans/Niagara BOCES has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- The most recent educational agency or institution attended
- Student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or in part, cannot be used for this purpose.)

To the extent that FERPA authorizes the creation of a "law enforcement unit" that may include the designation of individuals, offices or other components to act in such capacity, Orleans/Niagara BOCES elects to maintain a law enforcement unit as provided for under FERPA and the BOCES intends that the records of the law enforcement unit be maintained separately from students' education records and thereby be exempt from FERPA confidentiality and non-disclosure requirements that apply to education records. Therefore, under Orleans/Niagara BOCES policy, the following offices are authorized and designated as the BOCES' law enforcement unit with authority to carry out the activities of a law enforcement unit (including enforcement of law, referral of matters to law enforcement authorities, and maintenance of physical security and safety of the BOCES).

Niagara County Sheriff's Department (including designated school resource officer)
Office of the Director of Labor Relations
Office of the Director of Career and Technical Education
Office of the Director of Special Programs
Office of the Director of Business Services

Images of students captured on security videotapes are considered records of the Orleans/Niagara BOCES law enforcement unit, and such videotapes and the images captured thereon are not considered education records under

FERPA. Accordingly, those videotapes may be shared with law enforcement authorities or others as deemed appropriate by the Orleans/Niagara BOCES.

A parent or eligible student may file a written complaint with the United States Education Department regarding an alleged violation of the Family Educational Rights and Privacy Act. The name and address of the office that administers FERPA is: Family Policy Compliance Office, United States Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202-4605.

Revised August 2016

ORLEANS/NIAGARA BOCES

PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

The Orleans/Niagara BOCES is committed to protecting the privacy and security of student, teacher, and principal data. In accordance with New York Education Law § 2-d, the Orleans/Niagara BOCES wishes to inform the school community of the following:

- 1) A student's personally identifiable information cannot be sold or released for any commercial purposes.
- 2) Parents have the right to inspect and review the complete contents of their child's education record.
- 3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.
- 4) A complete list of all student data elements collected by the State is available for public review at: <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234.
- 5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be directed to the Chief Privacy Officer via email at: CPO@mail.nysed.gov.

April 2015

BUILDING-LEVEL EMERGENCY MANAGEMENT OPERATIONS PLAN

7/02

In accordance with the Commissioner of Education's Regulation 155.17, Orleans/Niagara BOCES has developed a Building-Level Emergency Management Operations Plan to safeguard the safety and health of students and staff, as well as District property, in the event of an emergency.

Each year, as required by SED, each school district will conduct at least one drill to test the effectiveness of the district's sheltering procedures and at least one drill to test the district's early dismissal procedures. Parents and/or legal guardians will be notified at least one week before the early dismissal drill.

The Building-Level Emergency Management Operations Plan includes the following:

1. Definition of "emergencies" and procedures to be followed when plan is activated.
2. Designation of an Incident Command System in anticipation of, or in response to, an emergency.
3. Identification of sites of potential emergencies.
4. Identification of appropriate responses to emergencies.
5. Identification of District resources which may be available for use during an emergency.
6. Procedures for coordinating the use of the District's resources and personnel during emergencies.
7. Identification of external resources which may be available for use during an emergency.
8. A system for informing all schools within the District of the emergency.
9. Plans for taking the following actions, if appropriate: School cancellation; early dismissal; evacuation; and sheltering.
10. Pertinent information about each school (including information on school population, number of staff, transportation needs and the business and home telephone numbers of key staff of the District and others, as appropriate).
11. Procedures for obtaining advice and assistance from local government officials.

The District-Wide Safety Plan, which is an overview of the Building-Level Emergency Management Operations Plan, is available for review in the central office.

ORLEANS/NIAGARA BOCES NON-DISCRIMINATION STATEMENT

The Orleans/Niagara Board of Cooperative Educational Services (BOCES) is an equal opportunity employer and does not discriminate against any employee or applicant for employment on the basis of gender, race, color, religion or creed, age, national origin, marital status, disability, sexual orientation, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, or any other classification that is recognized by law as a protected classification.

The Orleans/Niagara Board of Cooperative Educational Services (BOCES) is an equal opportunity educational system and does not discriminate against any student or candidate for enrollment on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, marital status, gender, sex, or any other classification that is recognized by law as a protected classification.

Any person wishing to obtain information about the BOCES procedures for grieving alleged civil rights violations may obtain information by contacting Wayne M. Van Vleet, Director of Labor Relations/Civil Rights Compliance Officer, 4232 Shelby Basin Road, Medina, New York 14103, telephone number (716) 731-6800, extension 2206, e-mail address wvanvleet@onboces.org.

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POLICY

1998

6071

Orleans/Niagara BOCES

Subject: Conformance with Title IX of the Educational Amendments of 1972

I. GENERAL

Title IX of the Education Amendments of 1972 declares, in part, that: No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. The Board of Education is of the general view that discrimination on the basis of sex in any education program or activity of this district is not to be permitted except where necessary to accomplish a specific purpose that does not impinge upon essential equality or fundamental fairness in the treatment of students or employees of this district. Accordingly, employees of this district are required by this policy to comply with the provisions of:

- A. This policy as in the case of any rule or regulation adopted by the Board of Education of this district; and,
- B. Title IX of the Education Amendments of 1972 and the regulations promulgated thereunder by the U.S. Department of Health, Education, and Welfare.

II. APPLICATION TO SPECIFIC EDUCATION PROGRAMS AND ACTIVITIES

This policy's prohibition against action by employees or other persons acting in the name and on behalf of this BOCES that bases any exclusion from participation in, denial of benefits from, or discrimination in, any educational program or activity because of the sex of a student or employee, applies to all education programs and activities conducted by this BOCES, including, but not limited to, the following:

1. Educational Programs
 - a) Course offerings. Applies to all course offerings, except that this policy does not prohibit:
 - (1) grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex;
 - (2) separation of students by sex in classes dealing exclusively with human sexuality.
 - b) Counseling. Applies to all counseling and guidance activities at the elementary and secondary school levels.
 - c) Textbooks. Nothing in this policy shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.
2. Other Activities or Facilities.

- a) Financial Assistance. Applies to offering scholarship or other aid or assisting non-school organizations in the offering of scholarships or the aid to students of this district.
 - b) Employment Assistance. Applies to all efforts to place students in employment. This district shall, as part of any employment assistance program for students, ensure that all employment opportunities are made available without discrimination on the basis of sex and refuse participation in its student employment program to employers who would practice such discrimination.
 - c) Health and Insurance. Applies to all health or insurance policies offered to students but does not prohibit providing benefits or services which may be used by a different proportion of students of one sex than of the other.
 - d) Housing. Nothing in this policy shall be interpreted as prohibiting the separation of students by sex in housing for field trips or other reasons. Such separate housing must be comparable in quality and availability.
 - e) Toilet, Locker, and Shower Facilities. Separate toilet, locker, and shower facilities may be provided on the basis of sex. Such facilities shall be comparable to similar facilities provided for students of the other sex.
 - f) No rule on marital, family, or parental status that relates one sex different from the other sex shall be applied or enforced.
3. BOCES Employment Activities. Applies to all aspects of the BOCES' employment programs, including but not limited to, recruitment, advertising, process of application for employment, promotion, granting of tenure, termination, layoffs, wages, job assignments, leaves of absence of all types, fringe benefits, training programs, employer-sponsored programs, including social or recreational programs and any other term, condition or privilege of employment. Specifically, the following personnel employment practices are prohibited:
- a) Tests. Administration of any test or other criterion that has a disproportionately adverse effect on persons on the basis of sex unless it is a valid predictor of job success or alternative tests or criterion are unavailable;
 - b) Recruitment. Recruitment of employees from entities that furnish as applicants only or predominately members of one sex, if such action has the effect of discriminating on the basis of sex;
 - c) Compensation. Establishment of rates of pay on the basis of sex;
 - d) Job Classification. Classification of jobs as being for males or females;
 - e) Fringe Benefits. Provision of fringe benefits on basis of sex; all fringe benefit plans must treat males and females equally;
 - f) Marital and Parental Status. Any action based on marital or parental status; pregnancies are considered temporary disabilities for all job-related purposes and shall be accorded the same treatment by the district as are all other temporary disabilities. No inquiry shall be made by the district in job applications as to the marriage status of the applicant, including whether such applicant is "Miss or Mrs." But, inquiry may be made as to the sex of a job applicant for employment if made of all applicants and is not a basis for discrimination

- g) Employment Advertising. Any expression of preference, limitation, or specification based on sex, unless sex is a bona fide occupational qualification for the particular job in question.

III. POLICY ENFORCEMENT

To ensure compliance with this policy, the District Superintendent shall:

1. designate members of the administrative staff:
 - a) to coordinate efforts of the district to comply with this policy;
 - b) to develop, and ensure the maintenance of a filing system to keep all records required under this policy;
 - c) to investigate any complaints of violations of this policy;
 - d) to administer the grievance procedure established in this policy; and
 - e) to develop affirmative action programs, as appropriate; and
2. provide for the publication of this policy on an ongoing basis to students, parents, employees, prospective employees, and district employee unions or organizations, such publication to include the name, office address and telephone number of the compliance administrators designated pursuant to this policy.

IV. GRIEVANCE PROCEDURE

Timelines and procedures for reporting allegations of discrimination or harassment, investigating such allegations, and informing complainants and other material parties of findings and/or determinations, shall be as set forth in BOCES Policy 6070 (regarding Staff Complaints and Grievances) and/or (BOCES Policy 7370 regarding Student Complaints and Grievances).

V. REMEDIAL OR DISCIPLINARY ACTION

The BOCES will take appropriate action based on the results of the investigation.

Any BOCES action taken pursuant to this Policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and BOCES policies. The BOCES will take such remedial or disciplinary action that it deems necessary and appropriate to end sexual harassment and prevent its recurrence, which may include counseling, warning, reprimand, suspension, or discharge.

The BOCES will, even in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of, or having reason to suspect, the occurrence of any prohibited discrimination or harassment.

VI. RETALIATION

The BOCES will also take appropriate action to address and prevent any retaliation against any person who reports an alleged violation of Title IX or this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

POL 6071

VII. CONSTRUCTION

The District Superintendent shall be authorized to administer this policy, and to promulgate any regulations, procedures, and/or forms consistent with this policy.

Revised August 2015

REGULATION

1999

311-R

Orleans/Niagara BOCES

SUBJECT: Student Searches and Interrogations

1. Pursuant to Board policy, pupils may be subject to personal searches and searches of their possessions where reasonable suspicion exists to conduct the search.
2. Searches may be conducted by school administrators or their designees.
3. A search based upon the reasonable belief that the health or safety of those in our schools is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.
4. Reasonable suspicion to conduct a search shall be based upon: The pupil's age; the pupil's history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency necessitating an immediate search; and the probative value and reliability of information used as justification for the search.
5. The request for a search of a pupil or a pupil's possessions shall be directed to the building or program administrator, who shall attempt to obtain an admission from the pupil of possession of the illegal matter or a voluntary consent to the search. The search shall be limited to the extent necessary to locate the illegal matter.
6. Whenever possible, the search should be conducted in the privacy of administrative offices and the student should be present when his or her possessions are being searched.
7. Prior to conducting a search which requires a pupil to remove any clothing, with the exception of an outer coat or jacket, the administrator or other staff member shall acquire the approval of the District Superintendent, an Assistant Superintendent or the Director of Labor Relations.
8. The building or program administrator shall be responsible for the prompt recording in writing of each pupil search. Such writing should include the reasons for the search, information received that established the need for the search and the name of the informant(s) from whom the information was received. Informants other than BOCES or school district employees may be considered reliable if they have previously supplied information which was accurate and verified, if they make an admission against their own penal interest or if the same information is received independently from more than one informant. The written record of the pupil's search shall also contain the names of those persons who were present when the search was conducted, any substance or objects discovered, and the disposition of such matter.
9. Students have no reasonable expectation of privacy in school lockers, desks, computers (also including computer files, Internet usage and electronic mail (e-mail) communications) or other storage places. Building and program administrators shall give notice to all students that school lockers, desks, computers (also including computer files, Internet usage and electronic mail (e-mail) communications) and other school storage places may be subject to search and inspection at any time by school officials.
10. The building or program administrator shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a pupil.
11. Building and program administrators have the responsibility and the authority to determine when the assistance of law enforcement authorities is necessary.
12. Police officers have the right to enter the schools of the BOCES when authorized by a valid warrant for arrest or search, when police have probable cause to believe that a crime has been or will be committed on school property, or when a health or safety emergency exists.

Revised 7/01

POLICY

1992

6050
7350

Orleans/Niagara BOCES

Subject: Sexual Harassment

I. General Statement of Policy

The Board of Education is committed to safeguarding the rights of all students and employees of the BOCES to work and learn in an environment that is free from sexual harassment. The BOCES prohibits all forms of sexual harassment.

II. Sexual Harassment Defined

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational environment.

B. Sexual harassment may include but is not limited to:

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
4. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
5. Any sexually motivated unwelcome touching; or
6. Sexual violence, which includes but is not limited to rape, sexual assault, sexual battery, or sexual coercion.

III. Reporting Procedure

The BOCES will investigate all complaints, formal or informal, verbal or written, of sexual harassment, and will take appropriate action against any employee or student who is determined to have sexually harassed a student or employee of the BOCES.

Any person who believes that he or she has been the victim of sexual harassment should report the alleged acts immediately to an appropriate BOCES official designated by this Policy. The BOCES encourages the reporting party or complainant to use the report form available from the administrator or supervisor of each building or program, or from the BOCES office. A staff member who witnesses or learns of any incident or series of incidents that may constitute sexual harassment of a student has a duty to report such incident(s) in accordance with this Policy.

A. In Each School Building: The BOCES building supervisor or administrator, or BOCES program supervisor or administrator, is responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the supervisor or administrator must notify the BOCES Civil Rights Compliance Officer immediately without screening or investigating the report. A written report will be forwarded promptly to the Civil Rights Compliance Officer. If the report was given verbally, then the administrator or supervisor shall reduce it to written form within 24 hours and forward it to the Civil Rights Compliance Officer. If the complaint involves the administrator or supervisor, then the complaint shall be filed directly with the BOCES Civil Rights Compliance Officer.

B. BOCES-wide: The Civil Rights Compliance Officer will receive reports or complaints of sexual harassment from any student or employee and also from any building or program administrator or supervisor as discussed above. If the complaint involves the Civil Rights Compliance Officer, then the complaint shall be filed directly with the BOCES Superintendent.

The BOCES shall conspicuously post the name of the Civil Rights Compliance Officer, including a mailing address, telephone number, and e-mail address.

C. Use of formal reporting forms is not mandatory.

The BOCES will respect the confidentiality of the complaint and the individual(s) by and against whom the complaint is filed, to the extent practicable, consistent with the BOCES legal obligations and the necessity to investigate allegations of sexual harassment and take appropriate remedial or disciplinary action.

IV. Investigation

The Civil Rights Compliance Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately initiate an investigation. The investigation may be conducted by the Civil Rights Compliance Officer or by a third party designated by the District Superintendent.

The investigation may include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of or information concerning the alleged incident(s) or circumstances giving rise to the complaint.

POLICY 6050/7350

Pending completion of the investigation, the District Superintendent or his or her designee may take immediate steps, in his or her discretion, to protect the complainant, any student(s), any employee(s), or any other individuals.

The BOCES Civil Rights Compliance Officer or other designated investigator shall make a report to the BOCES Superintendent upon completion of the investigation.

V. Timelines and Procedures for Reporting and Investigating Complaints

Timelines and procedures for reporting allegations of harassment, investigating such allegations, and informing complainants and other material parties of findings and/or determinations, shall be as set forth in BOCES Policy 6070 (regarding Staff Complaints and Grievances) and/or BOCES Policy 7370 (regarding Student Complaints and Grievances).

VI. Remedial or Disciplinary Action

The BOCES will take appropriate action based on the results of the investigation.

The BOCES will also take appropriate action to address and prevent any retaliation against any person who reports alleged sexual harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint or report. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Any BOCES action taken pursuant to this Policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and BOCES policies. The BOCES will take such remedial or disciplinary action that it deems necessary and appropriate to end sexual harassment and prevent its recurrence, which may include counseling, warning, reprimand, suspension, or discharge.

The BOCES will, even in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

VII. Construction

The District Superintendent shall be authorized to administer this policy, and to promulgate any regulations, procedures, and/or forms consistent with this policy.

Revised August 2015

POLICY

1999

6051
7351

Orleans/Niagara

Subject: Harassment of Students or Employees on the Basis of Any Protected Classification(s) Other Than Gender

I. General Statement of Policy

The Board of Education is committed to safeguarding the rights of all students and employees of the BOCES to work and learn in an environment that is free from discrimination or harassment on the basis of race, color, religion or creed, age, national origin, marital status, disability, sexual orientation, or any other legally protected categories or classification(s).

II. Harassment Defined

Discriminatory harassment for purposes of this policy shall be defined as physical, verbal, or other conduct based on race, color, national origin, religion or creed, age, disability, marital status, sexual orientation, or any other legally protected categories or classifications other than gender that is directed toward one or more individuals when the conduct, as determined by a reasonable person: (1) Has the purpose or effect of creating an intimidating, hostile or offensive academic or working environment; (2) has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; (3) has the purpose or effect of demeaning or otherwise disrespecting the dignity of an individual in the academic or work environment; or (4) adversely affects an individual's academic or employment opportunities.

III. Reporting Procedure

The BOCES will investigate all complaints of discriminatory harassment, formal or informal, verbal or written, and will take appropriate action against any employee or student who is determined to have harassed a student or employee of the BOCES.

Any person who believes that he or she has been the victim of harassment should report the alleged acts immediately to an appropriate BOCES official designated by this Policy. The BOCES encourages the reporting party or complainant to use the report form available from the administrator or supervisor of each building or program, or from the BOCES office. A staff member who witnesses or learns of any incident or series of incidents that may constitute harassment of a student has a duty to report such incident(s) in accordance with this Policy.

A. In Each School Building: The BOCES building supervisor or administrator, or BOCES program supervisor or administrator, is responsible for receiving oral or written reports of discriminatory harassment at the building level. Upon receipt of a report, the supervisor or administrator must notify the BOCES Civil Rights Compliance Officer immediately without screening or investigating the report. A written report will be forwarded promptly to the Civil Rights Compliance Officer. If the report was given verbally, then the administrator or supervisor shall reduce it to written form within 24 hours and

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forward it to the Civil Rights Compliance Officer. If the complaint involves the administrator or supervisor, then the complaint shall be filed directly with the BOCES Civil Rights Compliance Officer.

B. BOCES-wide: The Civil Rights Compliance Officer will receive reports or complaints of discriminatory harassment from any student or employee and also from any building or program administrator or supervisor as discussed above. If the complaint involves the Civil Rights Compliance Officer, then the complaint shall be filed directly with the District Superintendent.

The BOCES shall conspicuously post the name of the Civil Rights Compliance Officer, including a mailing address, telephone number, and e-mail address.

C. Use of formal reporting forms is not mandatory.

The BOCES will respect the confidentiality of the complaint and the individual(s) by and against whom the complaint is filed, to the extent practicable, consistent with the BOCES' legal obligations and the necessity to investigate allegations of harassment and take appropriate remedial or disciplinary action.

IV. Investigation

The Civil Rights Compliance Officer, upon receipt of a report or complaint alleging discriminatory harassment, shall immediately initiate an investigation. The investigation may be conducted by the Civil Rights Compliance Officer or by a third party designated by the BOCES Superintendent.

The investigation may include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of or information concerning the alleged incident(s) or circumstances giving rise to the complaint.

Pending completion of the investigation, the District Superintendent or his or her designee may take immediate steps, in his or her discretion, to protect the complainant, any student(s), any employee(s), or any other individuals.

The BOCES Civil Rights Compliance Officer or other designated investigator shall make a report to the BOCES Superintendent upon completion of the investigation.

V. Timelines and Procedures for Reporting and Investigating Complaints

Timelines and procedures for reporting allegations of discriminatory harassment, investigating such allegations, and informing complainants and other material parties of findings and/or determinations, shall be as set forth in BOCES Policy 6070 (regarding Staff Complaints and Grievances) and/or BOCES Policy 7370 (regarding Student Complaints and Grievances).

VI. Remedial or Disciplinary Action

The BOCES will take appropriate action based on the results of the investigation.

POLICY 6051/7351

The BOCES will also take appropriate action to address and prevent any retaliation against any person who reports alleged discriminatory harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment report or complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Any BOCES action taken pursuant to this Policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and BOCES policies. The BOCES will take such remedial or disciplinary action that it deems necessary and appropriate to end harassment and prevent its recurrence, which may include counseling, warning, reprimand, suspension, or discharge.

The BOCES will, even in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of, or having reason to suspect, the occurrence of any harassment.

VII. Construction

The District Superintendent shall be authorized to administer this policy, and to promulgate any regulations, procedures, and/or forms consistent with this policy.

Revised July 2016

<h1>POLICY</h1>	1995	6340
	Orleans/Niagara BOCES	

Subject: Smoking Policy

Consistent with the Federal Pro-Children Act of 1994, Article 13-E of the New York Public Health Law, Article 9 of the New York Education Law, and relevant rules and regulations promulgated by the New York State Commissioners of Education and Health, respectively, use of any tobacco products is prohibited at all times on all BOCES school grounds (including any building, structure, and surrounding outdoor areas and any vehicles used to transport students or school personnel).

This policy also prohibits use of electronic cigarettes at any time on school grounds (including any building, structure, and surrounding outdoor areas and any vehicles used to transport students or school personnel).

Any individual violating this policy shall be subject to measures that may include disciplinary action.

Violations of the foregoing provisions are to be reported in writing to the BOCES administrator in charge of the facility at which the infraction has occurred. If the administrator in charge of that facility does not appropriately act upon such a report, the circumstances should be reported in writing to the BOCES District Superintendent.

The District Superintendent shall have authority to administer this policy and to promulgate any regulations or forms consistent herewith.

Educate America Act (Pro-Children Act of 1994), 20
 U.S.C.A. Sec. 6083
 New York Public Health Law Article 13-E
 New York Education Law Article 9

<h1>POLICY</h1>	1990	6600 7221
	Orleans/Niagara BOCES	

Subject: USAGE OF TECHNOLOGY RESOURCES

GENERAL RULES PERTAINING TO TECHNOLOGY RESOURCES

The purposes of BOCES technology resources (which include but are not limited to BOCES computers, computer systems, computer networks, Internet connections, Intranet, communications systems (including but not limited to electronic mail (e-mail), chat, and instant messaging systems), laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, and any other technology or storage devices, are to promote the exchange of information and facilitate education, research, business and communication consistent with the mission of the BOCES. BOCES technology resources, like BOCES’ other equipment, supplies, communications systems and other resources, are provided for authorized employees’ use in supporting BOCES business consistent with the employee’s work assignment.

The use of BOCES technology resources by employees, students and any other authorized users must be consistent with this Acceptable Use Policy (AUP). Occasional non-disruptive personal use by an employee of the BOCES, which does not interfere in any way with performance of work, shall not constitute a violation of this policy. However, the BOCES retains full authority to regulate, curtail, limit and/or prohibit use of BOCES technology resources. Additionally, BOCES technology resources shall not be used for commercial or partisan political activities or purposes.

Each staff member, student or other user afforded access is required to make the most efficient use of BOCES technology resources, and to minimize interference with or disruption of other users, services and equipment.

UNACCEPTABLE USES OF TECHNOLOGY RESOURCES

The standards of acceptable use and prohibitions set forth in this policy are not intended to be all-inclusive or comprehensive. Generally, the same standards that apply to any aspect of an employee’s job performance or conduct shall apply to use of technology resources as addressed in this policy. A staff member or student may be found to have engaged in inappropriate use and be subject to discipline or other action by reason thereof, even if the individual’s conduct (or category of conduct) is not expressly referenced in this policy.

Any use of technology resources for illegal, unethical, unprofessional, or other inappropriate activity is strictly prohibited.

Transmitting, distributing, showing and/or possessing (without authorization) offensive, profane, obscene, lewd, pornographic, insulting, defamatory, abusive, harassing, threatening, or otherwise inappropriate materials, including but not limited to any material likely to be offensive or

objectionable to recipients or viewers, is strictly prohibited. The BOCES’ code of conduct and non-discrimination policies (including but not limited to policies pertaining to sexual harassment and harassment on bases other than gender), apply to usage of technology resources.

Using any technology resources to access or view material that is obscene, profane, lewd, or pornographic, or material that advocates violent or unlawful conduct, in the absence of authorization from the District Superintendent and a legitimate business reason, is strictly prohibited. Damaging or infiltrating any computer, computer system, computer network, Internet connection, communications system, or other technology resource is prohibited.

Violation of any copyright or other laws, or any BOCES policies, is prohibited.

It is impermissible to use any technology resources to solicit personal information without a legitimate reason.

Any use of technology resources that accesses outside resources or systems must comply with the acceptable use policies of all applicable organizations.

Subscriptions to Listservs, bulletin boards and all on-line services must be pre-approved by the District Superintendent or his or her designee.

ACCESS TO BOCES TECHNOLOGY RESOURCES

Access to BOCES technology resources is determined by the BOCES consistent with its organizational priorities. Such access may be granted or denied in the discretion of the BOCES. The BOCES authorizes the District Superintendent to make decisions with respect to access to and use of BOCES technology resources.

MONITORING, SEARCHES, INSPECTIONS, AND REVIEW OF USE OF TECHNOLOGY RESOURCES

Network administrators, school authorities and their designees may review files and monitor Internet usage (including but not limited to Web sites visited) and communications including but not limited to e-mail, chat, and instant messaging, for purposes such as accessing information, resolving technical problems, maintaining system integrity, and ensuring that BOCES technology resources are being used responsibly. BOCES technology resources, including but not limited to computers, computer systems, computer networks, Internet connections, Intranet, laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, any other technology or storage devices, and communications systems (including but not limited to e-mail, chat, and instant messaging systems) (including but not limited to all computer communications transmitted, received and/or stored on BOCES systems), are exclusively the property of the BOCES. No employee, student or other individual or entity has any expectation of privacy in the use of, or any material stored on, BOCES technology resources. All such BOCES technology resources are subject to search, inspection and review at any time. All users will be deemed to have consented to the foregoing terms and provisions.

SECURITY

Users are required to respect the rights and property of others and may not improperly access, appropriate, or misuse the files, data, or information of others.

Users shall not, without express supervisory authorization, share accounts with anyone or leave any accounts open or passwords unattended.

Users shall, consistent with supervisory directives, keep all accounts and passwords confidential and take reasonable steps to maintain the confidentiality of accounts and passwords.

POL 6600/7221

Users shall, with supervisory authorization, regularly change passwords.

Users are responsible for making back-up copies of important documents, consistent with supervisory directives.

USE OF HARDWARE AND SOFTWARE

Users are responsible for taking precautions to prevent viruses on BOCES' equipment. Users shall consult the system manager (technology department), and acquire express authorization or approval from a BOCES administrator, before installing any programs or software on any BOCES computer. Installation or loading of personal business programs or software onto a BOCES computer, for use not related to carrying out of responsibilities as an employee of the BOCES, is prohibited. The illegal installation of copyrighted software or files, on any BOCES computer, is prohibited.

MANAGEMENT AND RETENTION OF RECORDS

Records sent via e-mail must be identified, managed, protected and retained for as long as they are needed to meet operational, legal, audit, research or other requirements. Such records needed to support program functions will be retained, managed and accessible. A record may be destroyed or otherwise disposed of only in accordance with the Records Retention and Disposition Schedule ED-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and provided that the record does not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the minimum period established by law.

Examples of messages sent by e-mail that typically constitute records that are subject to retention requirements include the following:

- Policies and directives.
- Correspondence or memoranda related to official business.
- Work schedules and assignments.
- Agendas and minutes of meetings.
- Drafts of documents that are circulated for comment or approval.
- Any document that initiates, authorizes or completes a business transaction.
- Final reports or recommendations.

APPLICATION OF THIS POLICY TO TECHNOLOGY RESOURCES THAT ARE NOT PROPERTY OF THE BOCES

The BOCES is cognizant that students and staff may be using personal technology resources at BOCES, in the BOCES school environment, and/or in the course of BOCES activities. Examples of such resources include computers, laptops, cell phones, personal digital assistants (PDAs), BlackBerries, digital cameras, USB data drives, flash drives, memory drives, wireless data access devices, MP3 devices, iPods, and any other storage or technology devices brought from outside the BOCES. The BOCES reserves the right to prohibit, restrict, or limit the use of any such personal technology resources at BOCES, in the BOCES school environment, and/or in the course of BOCES activities.

The use of personal technology resources not owned or leased by the BOCES falls within the scope of this Acceptable Use Policy for students, employees, and any other users. Accordingly, all of the restrictions, limitations, and prohibitions set forth above under the heading "Unacceptable Uses of Technology Resources"

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applies to use of personal technology resources at BOCES, in the BOCES school environment, and/or in the course of BOCES activities.

The terms and provisions of this policy pertaining to the authority of BOCES representatives to monitor, search, and/or inspect BOCES technology resources shall also apply, to the maximum extent allowable by law, to

personal technology resources that are used at BOCES, in the BOCES school environment, or in the course of BOCES activities.

Additionally, the BOCES is not responsible for loss of any technology resources not owned or leased by the BOCES.

USE OF CAMERAS

Photographing individuals in secured areas such as lavatories, locker rooms, or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against his or her will, is strictly prohibited. Electronic or other transmission of photographs of any person without express permission is strictly prohibited. The foregoing terms and provisions shall not preclude or prohibit: A BOCES administrator or other authorized staff member from carrying out official BOCES business that may involve use of a camera; or other video surveillance that is expressly approved by the District Superintendent.

VIOLATIONS OF POLICY

A violation of law or BOCES policy or regulation shall be grounds for disciplinary or other appropriate action, consistent with any applicable laws, regulations, policies and/or contracts.

CONSTRUCTION AND ADMINISTRATION

This policy shall be construed in accordance with applicable law.

The District Superintendent shall have authority to administer this policy and promulgate any rules, regulations, and/or forms consistent with the terms and provisions of this policy.

Revised 6/07

POLICY

2002

7101

Orleans/Niagara BOCES

SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY

Statement of Overall Objectives

School attendance is both a right and a responsibility. The Orleans/Niagara BOCES is an active partner with students and parents in the task of ensuring that all students meet or exceed the New York State Learning Standards. Because the BOCES recognizes that consistent school attendance, academic success and school completion have a positive correlation, the BOCES will develop, review and, if necessary, revise a Comprehensive Student Attendance Policy to meet the following objectives:

- a) To increase school completion for all students;
- b) To raise student achievement and close gaps in student performance;
- c) To identify attendance patterns in order to design attendance improvement efforts;
- d) To know the whereabouts of every student for safety and other reasons;
- e) To verify that individual students are complying with education laws relating to compulsory attendance;
- f) To determine the BOCES' average daily attendance for State aid purposes.

Description of Strategies to Meet Objectives

The BOCES will:

- a) Create and maintain a positive school building culture by fostering a positive physical and psychological environment where the presence of strong adult role models encourages respectful and nurturing interactions between adults and students. This positive school culture is aimed at encouraging a high level of student bonding to the school, which in turn should lead to increased attendance.
- b) Develop a Comprehensive Student Attendance Policy after receiving input from representatives of constituencies including, but not necessarily limited to, the Board of Education, administrators, teachers, other school personnel, students, parents and the community. The BOCES will hold at least one public hearing prior to the adoption of the Comprehensive Student Attendance Policy.
- c) Maintain accurate recordkeeping via a register of attendance to record attendance, absence, tardiness or early departure of each student.
- d) Utilize data analysis systems for tracking individual student attendance and individual and group trends in student attendance problems.
- e) Develop early intervention strategies to improve school attendance for all students.

Determination of Excused and Unexcused Absences, Tardiness and Early Departures

Based upon the BOCES' education and community needs, values and priorities, the BOCES has determined that absences, tardiness and early departures will be considered excused or unexcused according to the following standards.

- a) **Excused:** An absence, tardiness or early departure may be excused if due to personal illness, illness or death in the family, impassable roads due to inclement weather, religious observance, quarantine, required court appearances, attendance at health clinics, approved college visits, approved cooperative work programs, military obligations, lack of expected transportation by local school district or other such reasons as may be approved by the District Superintendent.
- b) **Unexcused:** An absence, tardiness or early departure is considered unexcused if the reason for the lack of attendance does not fall into the above categories (e.g., family vacation, hunting, babysitting, hair cut, obtaining learner's permit, road test, oversleeping).

Student Attendance Recordkeeping/Data Collection

The record of each student's presence, absence, tardiness and early departure shall be kept in a register of attendance in a manner consistent with Commissioner's Regulations. The register of attendance shall set forth, for each pupil, at least the following information: (1) Name; (2) date of birth; (3) full name(s) of parent(s) or person(s) in parental relation; (4) address where the pupil resides; (5) telephone number(s) where the parent(s) or person(s) in parental relation may be contacted; (6) date of the pupil's enrollment; (7) record of the pupil's attendance on each day of instruction; (8) a record of each scheduled day of instruction during which the school is closed for all or part of the day because of extraordinary circumstances including adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, destruction of or damage to a school building, or such other cause as may be found satisfactory to the Commissioner of Education; and (9) the date when a student withdraws from enrollment or is dropped from enrollment in accordance with Education Law Section 3202(1-a). An absence, tardiness or early departure will be entered as "excused" or "unexcused" along with the applicable BOCES code for the reason.

The responsible BOCES building or program administrator shall designate either a teacher or other staff member to supervise the keeping of the register of attendance. The entries in the register of attendance shall be verified by the oath or affirmation of the person making the entries in the register of attendance.

Commencing July 1, 2003, attendance shall be taken and recorded in accordance with the following:

- a) For students in non-departmentalized kindergarten through grade eight (i.e., self-contained classrooms and supervised group movement to other scheduled school activities such as physical education in the gym, assembly, etc.), such student's presence or absence shall be recorded after the taking of attendance once per school day, provided that students are not dismissed from school grounds during a lunch period. Where students are dismissed for lunch, their presence or absence shall also be recorded after the taking of attendance a second time upon the student's return from lunch.

POL 7101

- b) For students in grades nine through twelve or in departmentalized schools at any grade level (i.e., students pass individually to different classes throughout the day), each student's presence or absence shall be recorded after the taking of attendance in each period of scheduled instruction except as provided for in the following sentence. Where students either do not change classrooms for each period of scheduled instruction or are escorted to their classes under the supervision of a staff member and do not leave the school building during school instruction time, attendance shall be taken in accordance with paragraph "a" above.
- c) Any absence for a school day or portion thereof shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.
- d) In the event that a student at any instructional level from kindergarten through grade twelve arrives late for or departs early from scheduled instruction, such tardiness or early departure shall be recorded as excused or unexcused in accordance with the standards articulated in this policy.

At the conclusion of each class period, block of periods, school day or school week, all attendance information shall be compiled and provided to the school personnel (designated by the responsible building or program administrator) who are responsible for attendance. The nature of the absence(s), tardiness(es) or early departure(s) shall be coded on a student's record in accordance with the established building or program procedures.

Student Attendance/Course Credit

The BOCES believes that classroom participation is related to and affects a student's performance and grasp of the subject matter and, as such, is properly reflected in a student's final grade. For purposes of this policy, classroom participation means that a student is in class and prepared to work.

Consequently, for each marking period a certain percentage of a student's final grade will be based on classroom participation as well as the student's performance on homework, tests, papers, projects, etc., as determined by the building or program administrator and/or classroom teacher.

Students are expected to attend all scheduled classes. Consistent with the importance of classroom participation, unexcused student absences, tardiness, and early departures will affect a student's grade, including credit for classroom participation, for the marking period.

Awarding of course credit shall be subject to the policies of the respective local educational agencies that contract with the BOCES for educational services.

A student will be considered in attendance if the student is:

- a) Physically present in the classroom or working under the direction of the classroom teacher during the class scheduled meeting time; or
- b) Working pursuant to an approved independent study program; or
- c) Receiving approved alternative instruction.

Students who are absent from class due to their participation in a school sponsored activity are to arrange with their teachers to make up any work missed in a timely manner as determined by the student's teacher. Attendance at school sponsored events where instruction is substantially equivalent to the instruction which was missed shall be counted as the equivalent of regular attendance in class.

Upon returning to school following a properly excused absence, tardiness or early departure, it shall be the responsibility of the student to consult with his/her teacher(s) regarding arrangements to make up missed work, assignments and/or tests in accordance with the time schedule specified by the teacher.

Notice of Students who are Absent, Tardy or Depart Early Without Proper Excuse

A staff member (designated by the responsible building or program administrator) shall notify, by either telephone, mail or other appropriate means, a parent or person in parental relation to a student who is absent, tardy or departs early without proper excuse. The staff member shall, as warranted, explain the BOCES' Comprehensive Student Attendance Policy, the BOCES' building/program level intervention procedures, and, if appropriate, the relationship between student attendance and course credit.

A written excuse from a parent or person in parental relation to the student, stating the reason for each absence, shall be provided to the designated BOCES staff member unless such requirement is waived by the responsible building or program administrator.

If found necessary by appropriate school officials, or if requested by the parent/person in parental relation, a school conference shall be scheduled between the parent or person in parental relation and appropriate staff members in order to address the student's attendance. The student may also be asked to attend the conference in order to address appropriate intervention strategies that best meet the needs of the student.

Attendance Incentives

In order to encourage student attendance, BOCES building and program administrators will develop and implement grade-appropriate building-level or program-level strategies and programs that may include, but may not necessarily be limited to, some or all of the following:

- a) Allowing participation in one or more extra-curricular activities;
- b) Classroom acknowledgment of the importance of good attendance.
- c) Assemblies collaboratively developed and promoted by student council, administration, parents and/or other community groups to promote good attendance.
- d) Affording other appropriate privileges, determined by the building or program administrator or his or her designee(s), to students with good attendance records.

Disciplinary Consequences

Unexcused absences, tardiness and early departures may result in disciplinary sanctions as described in the BOCES' Code of Conduct. Consequences may also include, but may not necessarily be limited to, denial of participation in extra-curricular activities and/or revocation or denial of a student's employment certificate or permit. Parents/persons in parental relation will be notified by designated BOCES personnel at periodic intervals to discuss their child's absences, tardiness or early departures and the importance of class attendance and appropriate interventions.

Intervention Strategy Process

In order to effectively intervene when an identified pattern of unexcused absences, tardiness or early departures occur, BOCES personnel (designated by the responsible building or program administrator) will pursue the following:

- a) Identify specific element(s) of the pattern (e.g., grade level, building, time frame, type of unexcused absences, tardiness or early departures);
- b) Contact the BOCES staff most closely associated with the element. In specific cases where the pattern involves an individual student, the student and parent/person in parental relation will be contacted;
- c) Discuss strategies to directly intervene with the specific element;
- d) Recommend intervention to the District Superintendent or his/her designee if it relates to a prospective change in BOCES policy or procedure;
- e) Implement changes, as approved by appropriate administration;
- f) Utilize appropriate BOCES and/or community resources to address and help remediate student unexcused absences, tardiness or early departures;
- g) Monitor and report short-term and long-term effects of intervention.

Appeal Process

A parent or person in parental relation may request a building-level or program-level review of his or her child's attendance record.

Building/Program Review of Attendance Records

Commencing with the 2003-2004 school year, the principal will work in conjunction with the building attendance clerk and other staff (as designated by the principal) in reviewing attendance records at the end of each term. This review is conducted to identify individual and group attendance patterns and to initiate appropriate action to address the problem of unexcused absences, tardiness and early departures.

Annual Review by the Board of Education

The Board of Education shall annually review the building-level and program-level student attendance records, and if such records show a decline in student attendance then the Board shall make any revisions to the Policy and plan that are deemed necessary to improve student attendance.

Community Awareness

The Board of Education shall promote necessary community awareness of the BOCES' Comprehensive Student Attendance Policy by:

- a) Providing a plain language summary of the policy to parents or persons in parental relation to students at the beginning of the each school year and promoting the understanding of such a policy to students and their parents or persons in parental relation;
- b) Providing each teacher, at the beginning of the school year or upon employment, with a copy of the policy; and
- c) Making copies of the policy to any other member of the community upon request.

Education Law Sections 3024, 3025, 3202, 3205,
3206, 3210, 3211, and 3213
8 New York Code of Rules and Regulations
(NYCRR) Sections 104.1, 109.2 and 175.6

POLICY

1998

7220

Orleans/Niagara BOCES

Subject: Rules for Internet/Electronic Mail Use By Students

Use of the Internet as part of the educational program is a privilege, not a right. The Orleans/Niagara BOCES offers students access to the Internet to enhance their educational experience by giving them an opportunity to conduct research and communicate with others connected to the Internet around the world. To promote efficient and appropriate use of this resource, there are certain rules students must follow:

1. Students may use the Internet only to complete or support assigned course work.
2. All Internet users must use legally acquired computer resources (e.g. software, networks, databases, etc.) when using the BOCES' internet connection.
3. Students must complete an Internet training session before individual access is permitted.
4. No user shall intentionally develop programs that harass others, infiltrate computer systems, or damage hardware or software.
5. No user shall circumvent any computer security measures imposed by the BOCES or other organizations on the Internet. It shall also be considered a violation to obtain passwords belonging to others, to represent oneself as another, or to attempt to ascertain security access codes, etc.
6. Users shall follow Internet etiquette at all times. This means that the following actions are not permitted:
 - Sending or displaying obscene messages or pictures
 - Using obscene language
 - Harassing, insulting, or attacking others
 - Trespassing in the folders, work, or files of another
 - Intentionally wasting resources
7. Users must not give out personal information such as addresses, telephone numbers, credit card numbers, etc.
8. Users will not:
 - Damage computers, computer systems, or computer networks
 - Use the network for commercial purposes
 - Use another person's password
 - Violate copyright laws

The BOCES will examine personal electronic files to promote compliance with BOCES regulations and with local, state and federal laws. The user is advised that the privacy of their files is not protected under these guidelines. Violations of these guidelines and other BOCES regulations regarding use of the Internet are subject to BOCES discipline policies. The BOCES reserves the right to terminate access to the Internet at any time, without prior notice, completely at the BOCES' discretion.

Revised 6/07

POLICY

2005

7230

Orleans/Niagara BOCES

SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS

Orleans/Niagara BOCES will comply with the Federal Protection of Pupil Rights Amendment (PPRA).

Surveys Funded by the United States Department of Education

In compliance with the Protection of Pupil Rights Amendment (PPRA), the BOCES is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the United States Department of Education (DOE).

The BOCES shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the BOCES shall obtain prior written consent from the parent or guardian before a minor student is required to participate in any DOE-funded survey, analysis, evaluation or treatment that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Other Surveys

BOCES policy hereby provides for the following, to the extent required by law:

- a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted, in writing, to the BOCES Records Access Officer, to be received at least ten (10) business days prior to the administration or distribution of any survey. Further, the BOCES shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the BOCES.

- b) Arrangements, including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items, shall be made by the BOCES to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items:
1. Political affiliations or beliefs of student toward the student's parent/guardian;
 2. Mental or psychological problems of the student or the student's family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating or demeaning behavior;
 5. Critical appraisals of other individuals with whom respondents have close family relationships;
 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
 7. Religious practices, affiliations, or beliefs of the student or the student's parent/ guardian;
 8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the BOCES Records Access Officer, to be received at least ten (10) days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the BOCES, for the purposes of this policy, as 30 days) after such request is received by the BOCES. Any such requests shall be submitted by a parent or guardian, in writing, to the BOCES Records Access Officer. The term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.
- d) The administration of physical examinations or screenings that the BOCES may administer to a student.

However, the foregoing requirement does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, the BOCES shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), unless otherwise exempted pursuant to law as noted below. (The term "*personal information*" is defined as individually identifiable information including: a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number.)

- f) Parents/guardians have the right to inspect, upon request, any instrument used in the collection of personal information under sub-paragraph (e) above, before the instrument is administered or distributed to student. Such access shall be provided to the parent or guardian within ten business days after a written request from the parent or guardian is received by the BOCES Records Access

Officer. In the event of such collection, disclosure or use of personal information gathered from students, arrangements shall be made by the BOCES to protect student privacy in accordance with the requirements of the Family and Educational Rights Privacy Act (FERPA).

The foregoing prohibitions do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or military recruitment;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

Notification of Policies/"Opt Out" Provisions

The BOCES shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the BOCES. At a minimum, the BOCES shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the BOCES shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- b) The administration of any survey containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as other surveys.

- c) Any non-emergency, invasive physical examination or screening that is: Required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.

In the notification, the BOCES shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the foregoing activities are scheduled or expected to be scheduled.

General Provisions

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

This policy shall not be construed to impose upon the BOCES obligations more extensive than or beyond those imposed by statute.

The District Superintendent is authorized to administer the terms and provisions of this policy, and to promulgate any regulations to implement same.

20 United States Code (U.S.C.) Section 1232h
34 Code of Federal Regulations (C.F.R.) Part 98

POLICY

2012

7302

Orleans/Niagara BOCES

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Orleans/Niagara BOCES recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination and/or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act (New York State Education Law, Article Two), the BOCES will strive to create an environment free of bullying, discrimination, and/or harassment, and foster civility in the schools to prevent and prohibit conduct that is inconsistent with the BOCES' educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

As provided for in statute, the terms "bullying" and "harassment", as used in this policy, shall mean: The creation of a hostile environment by conduct or by verbal 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 well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation, or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The foregoing definition shall include acts of "bullying" and "harassment" that occur on school property, at a school function, or off school property where such acts create 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. "Cyberbullying" shall mean harassment or bullying, as defined above, which occurs through any form of electronic communication.

The BOCES condemns and prohibits all forms of bullying of, discrimination against, and harassment of students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. No student shall be subjected to harassment on any of those bases or classifications by any school employees or any students on school property or at a school function. Additionally, any act of discrimination or harassment that can reasonably be expected to adversely affect the school environment or the educational process may be subject to discipline to the extent authorized by law, even if not occurring on school property or during a school function.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be: A BOCES employee who is licensed and/or certificated by the commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, or school administrator; instructed in the requirements and provisions of the Dignity for All Students Act (New York State Education Law, Article Two); thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender, and sex; provided with training in the identification and mitigation of harassment, bullying, and discrimination; and provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The names of and contact information for Dignity Act Coordinator(s) will be publicized to members of the school community, including but not limited to school personnel, students, parents and/or persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The BOCES must provide the change in information to parents or persons in parental relation as soon as practicable.

Training

Training will be provided for BOCES employees to raise staff awareness and sensitivity regarding potential harassment, bullying, and/or discrimination of students and enable employees to prevent and respond to such discrimination, bullying, and/or harassment. Such training will: Address social patterns of harassment, discrimination, and/or bullying; address the importance of promoting a supportive school environment that is free from discrimination, bullying, and/or harassment; make BOCES employees aware how discrimination, harassment, bullying, and/or cyberbullying affects students; emphasize positive relationships; address prevention and intervention procedures and strategies to assist employees in recognizing and responding to harassment, bullying, and discrimination and effectively addressing problems of exclusion, bias, and aggression in educational settings; ensure the effective implementation of school policy regarding conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging discrimination, bullying, and/or harassment; and include safe and supportive school climate concepts in curriculum and classroom management.

Rules against discrimination, bullying, and harassment will be included in the Code of Conduct and publicized.

Reports and Investigations of Bullying, Discrimination and/or Harassment

Reports or complaints of harassment, bullying and/or discrimination may be made to the district superintendent, the civil rights compliance officer, or the principal.

BOCES employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the district superintendent, the civil rights compliance officer, the principal, or the principal's designee no later than one (1) school day after witnessing or receiving a report of such incident. The employee must then file a written report within two (2) school days after making the oral report. If, after an appropriate investigation, the BOCES finds that this policy has been violated, corrective action will be taken in accordance with BOCES policies and regulations, the Code of Conduct, and all appropriate federal or state laws. The district superintendent, the principal, or the designee of the district superintendent or the principal shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constituted criminal conduct.

The BOCES will investigate complaints of harassment, bullying and/or discrimination and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. Such investigations shall be led by the district superintendent, the principal, or

a designee of the district superintendent or the principal. If it is found or determined that this policy has been violated, then corrective action will be taken in accordance with BOCES policies and regulations, the Code of Conduct, and applicable law. The BOCES shall implement measured, balanced, and age-appropriate responses to instances of harassment, bullying and/or discrimination by students, with progressive remedies and procedures including intervention, discipline, and education. Responses shall vary based upon the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors.

The BOCES shall report incidents involving discrimination or harassment to the New York State Education Department, to the extent required by law.

The BOCES will annually report material incidents of bullying, discrimination and/or harassment, which occurred during the school year, to the State Education Department. Such report shall be submitted in a manner and consistent with timelines prescribed by the Commissioner.

The principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the district superintendent in a manner prescribed by the district superintendent.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Neither the BOCES nor any employee shall take, request, or cause any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of discrimination or harassment or initiates, testifies, participates, or assists in any formal or informal proceedings under Article Two of the Education Law or this policy.

Instructional Component

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications. The component shall be incorporated in existing curricula consistent with direction from the Board of Regents and the Commissioner of Education.

Publication of Policies

Policies adopted pursuant to the Dignity for All Students Act (New York State Education Law, Article Two) (or plain language summaries of such policies) shall be disseminated to employees, students, and parents at least once during each school year. Additionally, such policies shall be maintained on the BOCES' Web site.

POL 7302

Administration and Enforcement

The District Superintendent shall have the authority to administer this policy, and to promulgate any regulations, rules, guidelines, or forms that are consistent with the terms and provisions of this policy and/or the provisions of law pursuant to which this policy is adopted.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section
100.2(1)(2)

Adopted September 2013

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REGULATION

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Orleans/Niagara BOCES

The following individuals and/or their successors shall serve as Orleans/Niagara BOCES Dignity Act Coordinators:

Name and Title	Site Information
Mrs. Cassandra Barnes Principal	Related Services Special Education Placement Office 4124 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 3712
Ms. Paulette Hamilton- Koehler Principal	Roy-Hart Learning Center 4500 Orchard Place Gasport, New York 14067 716-731-6800 extension 4269
Ms. Ann Logel Principal	North Tonawanda Learning Center North Tonawanda Middle School 1350 Ruie Road North Tonawanda, New York 14120 716-807-3570 North Tonawanda High School 405 Meadow Drive North Tonawanda, New York 14120 716-807-3570
Mrs. Krista Macomber Principal	Newfane Learning Center 6175 East Avenue Newfane, New York 14108 716-778-6469 Orleans Learning Center 4232 Shelby Basin Road Medina, New York 14103 716-778-6469

Name and Title	Site Information
Ms. Amanda Bennett Principal	Niagara Academy 3181 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 4481
Mrs. Anedda Trautman Principal	Niagara Career and Technical Education Center 3181 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 4443
Dr. Michael Weyrauch Principal	Orleans Career and Technical Education Center 4232 Shelby Basin Road Medina, New York 14103 716-731-6800 extension 2230

POLICY

1998

7370

Orleans/Niagara BOCES

Subject: Student Complaints and Grievances

The Orleans/Niagara Board of Cooperative Educational Services (BOCES) is an equal opportunity educational system and does not discriminate against any student or candidate for enrollment on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, marital status, or any other classification that is recognized by law as a protected classification.

The Orleans/Niagara Board of Cooperative Educational Services (BOCES) believes that students should be made aware of the behavior that is expected as outlined in BOCES policy on school conduct and discipline. They shall also be given an opportunity to be heard on complaints and grievances that they may have.

Notification

The BOCES shall publish notice of the established grievance procedures for resolving complaints constituting grievances as defined below. The notice shall inform parents, employees, students and the community of the BOCES' policy against discrimination and provide the name, address and telephone number of the civil rights compliance officer who is the responsible person designated to coordinate matters regarding civil rights compliance and investigation of alleged violations.

Definitions

1. *Grievant* or *Complainant* shall mean a student or candidate for enrollment who, either directly or by or through a parent, guardian, or other legal representative, presents a grievance as defined below.
2. *Grievance* shall mean: Any alleged discrimination or harassment on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, marital status, or any other classification that is recognized by law as a protected classification; and/or any alleged violation of a policy of this BOCES.

Individual complaints and grievances shall be handled in accordance with the following guidelines:

1. For informal conciliation, students should confer with the appropriate teacher or school personnel to achieve prompt resolution. Students may appeal to the highest authority in the school building, i.e., the school administrator (principal).
2. For resolution of matters where appeal procedures are prescribed by statute, i.e., student suspensions, the prescribed course of action will be followed.

3. On issues affecting the student body, students may address the student government or student council in order to resolve such matters. Students may be afforded a conference with the school administrator in accordance with the rules and procedures established by the student government.
4. The resolution of student complaints alleging any action prohibited by civil rights laws shall be dealt with in accordance with the procedures set forth below.

Stages

A. Stage I: Civil Rights Compliance Officer

1. Within thirty (30) days after the events giving rise to the grievance, the grievant (or complainant) shall file a grievance in writing with the school administrator (i.e. principal) or the BOCES' civil rights compliance officer. Any grievance received by a BOCES administrator or supervisor shall promptly be forwarded to the civil rights compliance officer, who shall ensure that the complaint is promptly investigated. The civil rights compliance officer shall, in consultation with the administrator, determine how and by whom the matter shall be investigated, subject to the approval of the District Superintendent. Employees and students shall cooperate in such investigations.
2. Within thirty (30) days after the receipt of the grievance, the civil rights compliance officer or other individual designated by the District Superintendent shall make a finding in writing that there has or has not been a violation of a civil rights law. The written finding or conclusion shall be forwarded within that time period to the grievant and any other material parties. In the event that the civil rights compliance officer or other designated individual finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the grievant or any other material party (as determined by the District Superintendent) is not satisfied with the finding of the civil rights compliance officer or other individual designated by the District Superintendent, or with the proposed resolution of the grievance, then that party may, within fifteen (15) days after he/she has received the written finding(s) of the civil rights compliance officer, file a written request for review by the District Superintendent.

B. Stage II: The District Superintendent

1. The District Superintendent or his or her designee may request that any party or individual provide or submit information or records relating to the grievance and/or the facts surrounding it.
2. If the grievant or any other material party (as determined by the District Superintendent) makes a written request for an informal hearing, then the District Superintendent or his or her designee shall notify all parties concerned of the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. The District Superintendent may designate a representative to conduct any such hearing.

3. If a party seeks to present evidence that was not presented at Stage I, then the District Superintendent or his or her designee may, in his or her discretion, remand the matter for further investigation at Stage I of this procedure.
4. Within twenty-one (21) days after receiving the written request for review or, if an informal hearing is duly requested by the grievant, within twenty-one (21) days after the hearing, the District Superintendent or his or her designee shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of a law or policy within the scope of the definition of “grievance” hereinabove, and any proposed resolution of the complaint. The written determination shall be forwarded within the foregoing time period to the grievant and any other material parties (as determined by the District Superintendent).
5. If the grievant or any other material party (as determined by the District Superintendent) is not satisfied with the determination of the District Superintendent, then such party may, within fifteen (15) days after the decision, file with the Clerk of the Board of Education a written request for review by the Board.

C. Stage III: Board of Education

1. The Board shall notify all parties concerned of the time and place when a hearing will be held. The Board may designate a committee of its members, or a hearing officer, to conduct the hearing.
2. The Board or its designee(s) shall render a decision in writing within forty-five (45) days after the hearing has been concluded. The written decision shall be forwarded within that time period to the grievant and any other material parties (as determined by the Board).
3. If a party seeks to present evidence that was not presented at an earlier stage, then the Board or its designee may, in the discretion of the Board or its designee(s), remand the matter for further investigation at a lower stage of this procedure.

Every student and every candidate for enrollment shall have the right to present grievances, in accordance with the provisions of this policy, free from interference, coercion, restraint, discrimination, or reprisal. Additionally, the BOCES prohibits any retaliatory behavior directed against any complainants, grievants, witnesses, and/or any other individuals who participated in the investigation of the grievance or complaint.

This policy shall not diminish or limit the right of the student to make complaints (including but not limited to complaints of discrimination and/or harassment) directly to the appropriate school administrator (i.e. principal or assistant principal).

Response deadlines set forth in this policy shall be subject to reasonable extension, if a need to investigate or conduct grievance proceedings so warrants.

No term or provision of this policy shall extend (or be construed as extending) the statute of limitations for commencing a proceeding in a court of law or in any other forum.

The District Superintendent shall be authorized to administer this policy, and to promulgate any regulations, procedures, and/or forms consistent with this policy.

New York Civil Rights Law Section 40-c

New York Education Law Article 2

Section 504 of the Federal Rehabilitation Act of 1973

Federal Americans with Disabilities Act (ADA) of 1990,
Title II, 42 U.S.C.A. Sec. 12131, et seq.

Title IX of the Education Amendments of 1972

Revised August 2015

EMERGENCY PROCEDURES FOR STUDENTS WITH SPECIAL NEEDS

In order to ensure safety of our students with special needs and the school district staff, the following procedures must be followed in the event of an emergency and during all emergency drills.

- With regard to a multi-level building, the student(s) on the ground floor will be escorted out of the building by designated personnel to a pre-determined location.
- With regard to a multi-level building, the student(s) above the ground floor will be escorted by designated personnel to a pre-determined location of that floor. The student(s) and staff will then be escorted out of the building by fire department personnel. In the event that the pre-determined location is obstructed, the student(s) will be escorted to an alternative pre-determined location, then escorted out of the building by fire department personnel.

ELEVATORS **MUST NOT** BE USED DURING EMERGENCY PROCEDURES!

Building Principals, in cooperation with the Committee on Special Education Chairperson will:

- Identify probable areas that are easily accessible to fire personnel
- Select interior and exterior locations, and notify Fire Department Chief and appropriate school district staff
- Designate appropriate staff, which should include: personal care aide(s), guidance counselors, and school psychologists
- Ensure that designated staff have access (keys) to pre-determined locations
- Explain in detail the emergency procedures to staff and students

Personal Care Aides:

- Must be able to identify and locate appropriate safety areas pre-determined by the Building Principal
- Must, at all times, have access (keys if needed) to pre-determined locations
- Must remain with student at all times

Designated Personnel (school counselors, school psychologist, or support staff):

- Must be able to identify and locate appropriate safety areas pre-determined by Building Principal
- Must be familiar with student's current schedule
- Must remain with student at all times

**Initial notifications to persons in parental relation and staff pursuant to
Section 409-h of the State Education Law**

The Orleans/Niagara BOCES is required to maintain a list of persons in parental relation, faculty, and staff who wish to receive 48-hour prior written notification of certain pesticide applications. The following pesticide applications are not subject to prior notification requirements:

- when a school remains unoccupied for continuous 72-hours following an application;
- anti-microbial products;
- nonvolatile rodenticides in tamper resistant bait stations in areas inaccessible to children;
- nonvolatile insecticidal baits in tamper resistant bait stations in areas inaccessible to children;
- silica gels and other nonvolatile ready-to-use pastes, foams, or gels in areas inaccessible to children;
- boric acid and disodium octaborate tetrahydrate;
- the application of EPA designated biopesticides;
- the application of EPA designated exempt materials under 40 CFR 152.25;
- the use of aerosol products with a directed spray in container of 18 fluid ounces or less when used to protect individuals from an imminent threat from stinging and biting insects including venomous spiders, bees, wasps, and hornets.

In the event of an emergency application necessary to protect against an imminent threat to human health, a good faith effort will be made to supply written notification to those on the 48-hour prior notification list to the extent practicable.

If you would like to receive prior notification of pesticide applications that are scheduled to occur in your school, please contact your site administrator and request the Orleans/Niagara BOCES Request for Pesticide Application Notification Form. For further information on these requirements, the Orleans/Niagara BOCES pesticide representative is Michael J. Johannes, Superintendent of Buildings & Grounds, Orleans/Niagara BOCES, 4232 Shelby Basin Road, Medina, NY, 14103, telephone number 716-731-6800, extension 2221, fax number 585-798-4804, e-mail address mjohannes@onboces.org.