

# Summary of Orleans/Niagara BOCES Code of Conduct For Students

7/01

## **I. Introduction**

The 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.

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“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, 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**

#### **General Rights of Students**

- A. To be treated with respect by school personnel.
- B. To receive a quality education.
- C. 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.
- 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 extend 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.

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- L. An orderly school.
  - M. Be active in student government, where it exists.
- I. 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.

### **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 regulation (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.

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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 as required by New York State Law.
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, dressed in compliance with the dress code and reasonable directives of school personnel, and in a fashion that will not disrupt classroom procedures.
4. Be sure that their children are free from communicable disease and in good health.
5. Guide their children from the earliest years to develop socially acceptable standards or behavior, to exercise self-control and to be accountable for their actions.
6. Teach their children, by work and example, respect for law, for the authority of the school, and for the rights and property of others.
7. Know and understand the rules their children are expected to observe at school; be aware of the consequences for any violation of these 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. Become acquainted with their child's school, its staff, curriculum and activities.
10. Attend parent-teacher conferences and school functions.
11. 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.

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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.

### **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.

### **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.

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### **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 and/or encourage other illegal or violent activities.
5. Meet fair standards of the field of employment.

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.

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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.
- 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.
- 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. 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. Threaten 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.

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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 the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  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 race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner.
  5. Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.
  6. Intimidation, which includes engaging in actions or making statements that put an individual in fear of bodily harm.
  7. Hazing, which includes 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.
  8. Selling, using or possessing obscene material.
  9. Using vulgar or abusive language, cursing or swearing.
  10. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.
  11. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
  12. Inappropriately using or sharing prescription and over-the-counter drugs.
  13. Gambling.
  14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
  15. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- 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.

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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.

### **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.

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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 (Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention)
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

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### **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.