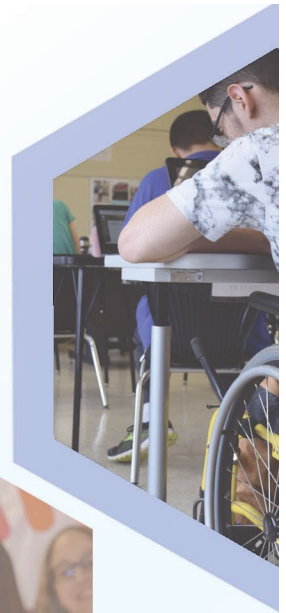




**monroe one**  
EDUCATIONAL SERVICES








**2024–2025**

Code of Conduct



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# Welcome to the 2024–2025 Monroe One BOCES Code of Conduct

Throughout the 2018–2019 school year, Monroe One Board of Education, along with school and community stakeholders, began the important work of updating the Code of Conduct to more closely reflect the goals and values we uphold in our school community. Those values, consistent with providing trauma-responsive schools and services, are: Safety, Trustworthiness, Empowerment, Collaboration and Choice. We present this Code as an enduring foundation for a consistent, caring, compassionate organizational culture that fosters safety and dignity for all.

## Notice of Non-discrimination

The Monroe One BOCES does not discriminate on the basis of an individual's actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality), political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, arrest or conviction record, genetic information or any other basis prohibited by New York state and/or federal non-discrimination laws in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. In addition, students are also afforded protection based on weight.

For more information, please contact our Civil Rights Compliance Officers:

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# Introduction

**The Monroe One BOCES Code of Conduct supports all students, staff and families in a school environment where all individuals feel safe, valued and fully engaged in the educational process.**

The goal of the Code of Conduct is to provide a learning environment where all students can fully engage in social/emotional growth and achieve academic success.

**The framework to support this goal is an equitable and positive school climate where diversity is valued, students feel safe and welcomed, and are viewed through a trauma-informed lens that aligns with restorative practices.**

The Code of Conduct complies with education laws, regulations, and Monroe One BOCES Board of Education policies. Unless otherwise indicated, this Code applies to all students, school personnel, parents and other visitors when on school property or attending a school function. All students will be expected to abide by the existing Code of Conduct if participating in remote/virtual schooling. Remote instruction is an extension of the school, just as the bus or other school related function. The Monroe One Acceptable Use policy, all bullying, cyberbullying, and harassment policies, and academic integrity policy apply during remote instruction.

## An Integrated Approach: Creating Pathways to Success

### A Positive School Climate:

Monroe One BOCES is committed to creating and maintaining a positive school climate.

- A growing body of research shows that when school members feel safe, valued, cared for, and respected, their motivation to be fully engaged in the learning process increases.
- The Code of Conduct clearly, appropriately, and consistently applies expectations for student conduct.
- It is the school's responsibility to teach and support a core set of behavioral expectations that foster safety, respect, and responsibility.
- Students can better achieve their goals when they know they are listened to and supported by a caring school community that respects and safeguards their dignity.



## Valuing Diversity, Equity, and Inclusion:

Monroe One BOCES is committed to:

- **Diversity**—Respecting and honoring the existence of individual and social differences that contribute to all social identity groups.
- **Equity**—Ensuring access to resources and opportunities, while providing each individual with the tools and supports they need to achieve their individual success.
- **Inclusion**—Intentionally fostering an environment in which each individual is valued and respected for their diversity and is empowered to engage and contribute.

### The Monroe One Mission:

To cooperatively meet the evolving needs of all learners, educators, and district partners.

### The Monroe One Vision:

To actively engage in fostering an equitable, diverse, and inclusive culture that will empower every student, family, and staff to grow and thrive.

### Equity Pillars:

The four equity pillars that guide the mission and vision include Collaboration, Community, Compassion, and Commitment.

## A Trauma-Responsive Schools and Services:

Monroe One BOCES is committed to the core values of a trauma-responsive organization (safety, trustworthiness, choice, collaboration, and empowerment) reflecting those 5 values in each contact, physical setting, relationship, and activity in both the experiences of staff as well as consumers. Viewing students through a trauma-informed lens has guided the creation of policies set forth in the Code of Conduct.

Research on trauma and toxic stress has shed light on the prevalence and impact of Adverse Childhood Experiences (ACE's) on the students we serve. "Trauma is a response to a perceived threat to survival or emotional well-being of an individual or large group, such as a community or a culture." ©Copyright by CCSI 2016

- A student who has experienced trauma may have trouble processing information and regulating their emotions, which in turn negatively impacts behavior, health, and academic achievement.
- We recognize trauma can alter a student's view of themselves and the world around them.

• **Using a trauma-informed lens to view and interpret student behavior enables us to shift our mindset from asking "What is wrong with you?" to "What experiences have you had?"**

- This mindset helps staff better relate to students, which sets a foundation for students to build relationships and create a sense of trust and empowerment in their lives.

## A Restorative Approach to Discipline:

Monroe One BOCES is committed to providing students with positive behavioral supports and interventions that build and repair relationships through a restorative approach to discipline.

- The Code of Conduct discipline policies and practices align with and promote social/emotional growth. The goal is not to punish, but rather to teach students that their actions impact others and that strengthening relationships and community lead to better outcomes. Students benefit from policies and programs that



align discipline with restorative practices encouraging students to learn how to trust, form relationships, accept accountability for their actions and repair any harm caused.

- Students are encouraged to build positive relationships, recognize and regulate their emotions, develop empathy and self-reflect to better handle challenging situations in a productive way.
- A restorative discipline approach helps students learn from their mistakes; understand how their behavior negatively affected others; acknowledge and respond to repair the resulting harm; and act differently to prevent future harm.
- The Code of Conduct ensures developmentally age appropriate, progressive consequences, delivered in a fair, equitable, culturally-aware and timely manner when unacceptable behavior occurs.

## We All Play a Role

### Student Engagement

Recognizing students are experts in their own lives is essential to fully engaging them in an educational experience grounded in academic achievement and social/emotional growth.

- Providing students with meaningful opportunities to share their ideas and concerns and participate in school-wide initiatives will encourage engagement by giving them a voice.
- Providing students with multiple opportunities to participate in a wide range of pro-social activities that create stronger relationships with caring, supportive adults will build community.
- Supporting cross-cultural interactions where students can explore cultural differences and an appreciation of the varieties of human experience.
- Foster student leadership development through school-wide programs and activities to encourage adult-student collaboration.
- Regularly celebrating academic, social, and personal successes will foster confidence and competence within students.

### Parents as Partners with Teachers

Providing pathways that help students engage in positive behavior and build social emotional capacity is a role that teachers, parents, administration and the wider community all share in. Teaching, modeling and recognizing positive behavior in students is a shared adult responsibility.

- Monroe One BOCES believes building partnerships with parents is essential to a student's academic, social and emotional success.
- Two-way open communication between home and school and meaningful discussions between parents and teachers fosters mutual understanding and respect.
- Sharing ideas and concerns on students' progress, needs and interests makes it possible to provide the right opportunities to promote positive relationship building and learning experiences for students at school and at home.
- Acknowledging and respecting diversity is essential to forming positive partnerships with students and families.

### Collaborative Community Partners

Monroe One BOCES recognizes the benefit of establishing broad-based support that recognizes teaching and learning requires addressing students' social service and academic needs.

- Monroe One BOCES will establish community partnerships and create resources to help address the basic needs of students and their families outside the classroom.
- Monroe One BOCES will partner with parents to connect with programs that are helpful to their specific, culturally-sensitive family needs.
- Monroe One BOCES affirms that community involvement is essential to expanding student learning experiences to help close achievement gaps and develop social/emotional capacity.

# Definitions

For purposes of this Code, the following definitions apply.

**Accountability:** The quality or state of being accountable; especially: an obligation or willingness to accept responsibility or to account for one's actions.

**Administrators:** mean the building/program administrators, and all District-wide administrators.

**Adverse Childhood Experiences: (ACEs)** fall into three categories: abuse, household challenges, and neglect. The more ACEs a child has, the higher his/her risk for learning, behavioral and health problems

**Alcohol/drugs/controlled substances:** mean any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as "designer drugs." For purposes of this definition there is also included prescription and over-the-counter drugs when used inappropriately.

**Applicable law:** means any federal, state or local law, regulation, rule or order applicable to the situation so described.

**Building/program administrators:** means the building principals, assistant principals and program supervisors.

**Behavior:** The way in which someone conducts oneself.

**Bullying:** is defined as the repeated, deliberate intimidation of others by the

real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another that takes place on school property, at any school-sponsored function or on a school bus, or that takes place off of school grounds but that is designed to or has the effect of interfering with one's ability to attend school and/or to be educated in a safe, non-hostile environment."

Bullying may include, but is not limited to, actions such as:

- verbal taunts,
- name-calling and put downs, including put-downs based on religion, sexuality, disability,
- appearance, ethnicity, race or gender,
- being punched, pushed or attacked,
- abusive and/or threatening text messages, instant messages, or emails,
- spreading rumors,
- extortion of money or possessions, and
- exclusion from peer groups within school

**Color:** as socially defined, the term refers to the complexion or skin tone/shade, especially as an indication or possible indication of race.

**Certified professional staff:** all teachers, counselors, speech pathologists and other certified or licensed individuals who are employed by the District.

**Circles:** a versatile restorative practice that can be used proactively to develop relationships and build community or reactively to respond to wrongdoing, conflicts and problems. Circles give people an opportunity to speak and listen to one another in an atmosphere of safety, decorum and equality.



**Compassion Fatigue:** trauma may not only impact the individual who experienced it, it can also impact those around them, including the staff members.

**Collaboration:** inviting the input of others whenever possible.

**Debriefing:** A process in which those involved in a critical incident reflect upon interventions utilized to de-escalate/manage crisis, brainstorm if alternative strategies would have yielded different outcomes, support staff members who respond and are impacted by crisis situations.

**Disability:** any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

**Disruptive student:** means an elementary, secondary or adult student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**District rules:** all District and Board policies, rules, regulations and procedures, including this Code.

**District-wide administrators:** mean the district superintendent, the assistant superintendents, the directors, and other specified coordinators.

**Empowerment:** recognizing strengths, and successes of staff and students.

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



**Gender:** the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender").

**Harassment:** is the creation of a hostile environment by conduct or by verbal threats, intimidation, abuse or bullying, including cyber bullying, 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. Per the **Dignity for All Students Act**, effective July 2012, harassment, bullying and/or discrimination is prohibited by employees and students on school property or at school functions 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." "Discrimination" may be based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, or disability, or any other categories of individuals protected by federal, state, or local law.

**National Origin:** a person's country of birth or ancestor's country of birth.

**Parent:** parent, guardian or person in parental relation to a student who is under 21 years of age.

**Race:** as a social construct is a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos" etc. to describe and classify the inhabitants of the United States.

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

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

**Restorative Justice:**  
a restorative practice involving the primary stakeholders in determining how best to repair the harm done by an offense. The three primary stakeholders in restorative justice are victims, offenders and their communities of care, whose needs are, respectively, obtaining reparation, taking responsibility and achieving reconciliation.

**Restorative Practices:** a framework that includes several key proactive and responsive elements that are linked in such a way to ensure ongoing development of healthy relationships and prevent harm. When a student's actions violate the dignity, safety, or well-being of others, by connecting the person responsible for the harm with those who have been harmed, in order to reach a resolution that guides, and assists the person responsible for the harm in accepting responsibility, apologizing for the harm, making meaningful reparation and improving the relationship between the parties.

**Resilience:**  
is the ability to return to being healthy and hopeful, despite adversity or trauma.

**Sex:** the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Sexual orientation:** the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**School function:** any school-sponsored extra-curricular event or activity.

**School personnel:** all individuals who are employed by the District or who volunteer to assist the District in the operation of its programs and the delivery of its services.

**School property:** any building, structure, athletic playing field, playground, parking lot or land at which the District provides instruction or where the District is sponsoring a school event and a school bus as defined in Vehicle and Traffic Law §142. School property also includes all property owned by the district or property used by the District to conduct its programs, activities or school functions.

**Student:** any individual enrolled in a District program which may include adults enrolled in adult education or other special programs (“adult students”), and individuals under the age of 21 who have not yet graduated from school as contemplated under applicable law.

**Safety:** physical and emotional safety for all students.

**Trauma:** a response to a perceived threat to survivor or emotional well-being of an individual or a community. Trauma can lead to adverse brain, bodily, and psychological changes that challenge self and impair living, learning, and working.

## Trauma Responsive School:

a safe and respectful environment that enables students to build caring relationships with adults and peers, self-regulate their emotions and behaviors, and succeed academically while supporting their physical health and overall well-being.

**Trustworthiness:** fostering a feeling of trust through a reliable and honest workplace.

**Weapon:** any weapon or “firearm” which is defined in the District’s policy. The policy defines firearm to include any of the following:

- any instrument (including a starter gun) which will or is designed to do or may be readily converted to expel a projectile by the action of an explosive;
- the frame or receiver of such an instrument;
- any firearm muffler or silencer; or
- any destructive device.

The term does not include an antique firearm, unless the firearm is operable. The term weapon is defined in the District’s policy as any dangerous or deadly instrument which can cause death, injury or damage to a person or property including, but not limited to, a switchblade, knife, box cutter, utility knife, gravity knife, pilum ballistic knife, cane sword, chukka stick, bb gun, pellet gun, dart gun, darts, electric stun gun, kung-fu star, metal knuckles, dagger, hunting knife, razor, stiletto, imitation pistol (i.e., a device which looks like a pistol, both in terms of shape and color, but is not capable of becoming a firearm as defined above), bullets, incendiary bomb or other explosive devices, acid, mace or other deadly, dangerous or poisonous chemicals.

**Weight:** aside from the obvious meaning in the physical sciences, the word is used in reference to a person’s “size”.

Whenever this Code refers to an act required of specific school personnel (e.g., a building/program administrator must notify the appropriate law enforcement agency of a specific event), the person so identified may discharge that act through an appropriate designee.

# Student Rights and Responsibilities

## Student Rights

The District is committed to safeguarding the rights given to all students under applicable law. The District's aim is to provide an environment in which a student's rights and freedoms are respected, and to provide opportunities, which stimulate and challenge the student's interests and abilities to his or her highest potential. These opportunities will be available as long as the student pursues these interests and studies in an appropriate manner, and does not infringe upon the rights of others. In addition, to promote a safe, healthy, orderly and civil school environment, all students have the right to:

1. Take part in all District activities on an equal basis regardless of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation, disability, or any other categories of individuals protected against discrimination by federal, state, or local law.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty; and
3. Access District rules and, when necessary, receive an explanation of those rules from school personnel who are responsible for enforcing those rules.

## Student Responsibilities

All students have the responsibility to:

1. Contribute to maintaining a safe and

orderly school environment that is conducive to learning, and to show respect to other persons and to property;

2. Be familiar with and abide by all District rules 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 their highest level of achievement possible;
5. React to direction given by teachers 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; and
11. Conduct themselves as representatives of the district when participating in or attending a school function and to hold themselves to the highest standards of conduct, demeanor and sportsmanship.
12. Respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.

# Essential Partners

**The success of our students is directly dependent upon the entire community. Schools, families, community members, and students all play an essential role in developing competent, confident, independent, productive citizens in our society. Educating our children is a critical function of society. Educating students includes academic growth, as well as developing social, emotional and civic skills. The way we collectively develop positive relationships among schools, students, families and communities is a direct link to determining student success.**

Everyone has a role in modeling prosocial behaviors and are expected to:

- Recognize that the **education of children is a joint responsibility** of the parents and the school community and to collaborate to optimize each child's educational opportunities.
- Promote participation in restorative practices to resolve incidents and conflict and to support their child in receiving the maximum benefit from a restorative justice approach.
- Ensure that all students have their basic needs (food, shelter, clothing, safety) met is a shared responsibility.
- Instill and model a love of learning is a shared responsibility.
- **Demonstrate mutual respect and tolerance** of others is a shared responsibility.
- Teach, model, and demonstrate **respectful communication** for students is a shared responsibility.
- Participating regularly and consistently in the education of the student.
- It is a shared responsibility to build trusting relationships where sensitive issues regarding students and families can be discussed with the expectation of confidentiality.
- In the event of conflict or disagreement, it is a shared responsibility that those **issues are worked out in a respectful and timely manner**. It is further expected that if a perceived harm or offense was committed that an effort to restore the relationship will be made.
- It is a shared responsibility to teach the rules, understand the rules, and follow the rules.
- Conflict is to be expected in relationships. Being open to active participation in resolving conflicts through a restorative process and contributing to the problem-solving process in a respectful and meaningful manner on behalf of the student is a shared responsibility.
- Address personal biases that may prevent equal treatment of all students in the school or classroom setting is a shared responsibility.



- **Maintaining and encouraging a climate of mutual respect** and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn is a shared responsibility.
  - **Confronting issues of discrimination and harassment** in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function is a shared responsibility.
  - Reporting incidents of discrimination and harassment that are witnessed or otherwise brought to our attention to the school administrator and/or Dignity Act Coordinator (DAC) in a timely manner is a shared responsibility.
- In addition to these shared responsibilities, members of the community have specific roles to play in educating students:
- **Parents support students by** ensuring that their children attend school regularly and on time. Absences should be warranted and excused.
  - **School staff members support students by** assisting them to build and practice learning strategies, coping mechanisms, and life skills as they advance through challenging intellectual activities. School staff members communicate student progress to the rest of the team and help develop individualized plans for student success.
  - **District-Wide Administrators support students by** ensuring that all Board of Education policies and district procedures are implemented and applied in a timely and conscientious manner.
  - **The Board of Education supports students by** establishing policies that are in accordance with Federal and State regulations so that students are provided a Free and Appropriate Public Education. The Board is also charged with making appointments of the administrators and district staff who will carry out the essential functions of the District.



# 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/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and all other school 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, including hair style/color, jewelry, make-up and nails, shall:

1. Be safe, appropriate and not disrupt or interfere with the educational process; extremely brief garments and see-through garments are not appropriate
2. Include footwear at all times, and footwear that is a safety hazard will not be allowed;
3. Not include items that are vulgar, obscene, and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability;
4. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities; and
5. Adhere to safety requirements in special instructional settings (i.e., shop safety requirements regarding clothing).

Nothing in this policy shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.



Each building/program administrator 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.

Students who violate the student dress code will be encouraged to comply to the guidelines. Any student who refuses to do so may be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension if after restorative justice principles have been implemented the student continues to refuse to cooperate.

# Prohibited Student Conduct

All students are expected to conduct themselves in an appropriate, respectful and civil manner with proper regard for the rights and welfare of other students, school personnel and others, and for the care of school property.

The development of the whole child is an essential responsibility of all Monroe One educators. The teaching and support of prosocial skills and emotional competencies is the foundation for student academic and personal growth. Explicit teaching of Social-Emotional Learning (SEL) programs at all grade levels improves educational engagement and adherence to the social norms, or expected behavior, conducive to a positive learning environment.

Educators must ensure that behavioral standards are taught, consistently modeled and reinforced proactively in a way that recognizes a student's individuality and supports the building of positive relationships throughout the school community. Students are provided varying types and intensity of supports needed to meet those expectations.

**Effective forms of student discipline include a restorative approach that help students understand their behavior and how it impacts others and the school community. Students are supported in repairing relationships and/or damage caused by their behavior.**

**Restorative practices will focus on proactive skill-building of social competencies and the inclusion of student voice and accountability.**

A multi-layered approach to student discipline will include the use of proactive measures, teaching of skills, and institution of restorative practices. When harm has been caused, students will be guided through the four questions in a restorative approach to misbehavior:

- What happened?
- Who was harmed or affected by my behavior?
- What needs to be done to make it right?
- How can I behave differently in the future?

The Board recognizes the need to make its expectations for student conduct, while on school property or at a school function, specific and clear. This Code is intended to communicate expectations of conduct to ensure safety and respect for the rights and property of others while upholding the dignity of all involved.

Students who do not meet behavioral expectations as defined in the Code of Conduct will receive customized interventions through a Multi-Tiered Systems of Support (MTSS) so that they are provided with the support they need to thrive. When supportive interventions are insufficient to prevent violation of this Code or other District Rules, a student may be subject

to consequences for their conduct. It will be ensured that all students are treated equitably under discipline policies. In recognition of the impact of implicit biases, Culturally Responsive Practices will be integrated into supports of the MTSS and discipline.

Students may be subject to disciplinary action, up to and including suspension from school and referral to appropriate law enforcement agencies, when they engage in the following type of misconduct on school property or at a school function that is disorderly, insubordinate, disruptive, violent, or threatens the safety, morals, health, or welfare of others. Misconduct also includes academic misconduct and misconduct while on the school bus.

## Engage in Conduct that is Disorderly

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

1. Engaging in any act which interferes with the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
2. Obstructing vehicular or pedestrian traffic.
3. Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
4. Misusing computer/electronic communications devices, including any unauthorized or inappropriate use of computers, software, or

Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.

5. Unauthorized use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices deemed inappropriate by the administration).
6. Unauthorized use of personal computer, laptop, tablet or e-reader and/or other computerized information resources through the District computer system is prohibited.

## 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 District employees or otherwise demonstrating disrespect.
2. Missing or leaving school or class without permission.

## 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, District administrators or other District employees or otherwise demonstrating disrespect.



2. Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per District Code of Conduct.

## Engage in Conduct that is Violent

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

1. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon a teacher, administrator or other District employee.
2. Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student or any other person lawfully on school property.
3. Engaging in harassing 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 well-being.
4. Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
5. Displaying what appears to be a weapon.
6. Threatening to use any weapon(s).
7. Using weapon(s).
8. Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully

on District property, or at a District function including but not limited to graffiti or arson.

9. Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication
  - a. can reasonably be interpreted as a threat to commit an act of violence on school property; or,
  - b. results in material or substantial disruption to the educational environment.

## 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, deceiving or giving false information to school personnel.
2. Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function. No person shall at any time remove property from recycle bins or dumpsters located on Monroe One BOCES property.
3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).



4. Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, or disability as a basis for treating another in a negative manner on school property or at a school function.
5. Harassment, 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 wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
6. Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
7. "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
8. Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
9. Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
10. Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
11. Selling, using, possessing or distributing obscene material.
12. Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
13. Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
14. Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.

15. Gambling and gaming.
16. Inappropriate touching and/or indecent exposure.
17. Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
18. Violating gender privacy when using school restroom facilities.

## Engage in Misconduct While on a School Bus

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

## Engage in Any Form of Academic Misconduct

Examples of academic misconduct include, but are not limited to:

1. Plagiarism.
2. Cheating.
3. Altering records.
4. Accessing other users email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.

5. Violation of the District Acceptable Use Policy for technology.
6. Assisting another student in any of the above actions.

## Student Use of Electronic Communication Devices

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during the school day, unless expressly permitted by school staff. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyberbullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District Code of Conduct that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner. The District is not responsible for personal electronic devices that are lost or stolen.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

# Tobacco & Vaping-Free School Environment

Monroe One BOCES recognizes its responsibility to promote the health, welfare and safety of students, staff, and others on school property and at school-sponsored activities. In light of scientific evidence that the use of tobacco is hazardous to health, and to be consistent with school curriculum and federal and state law, it is the intent of Monroe One BOCES to maintain a tobacco-free environment.

**Tobacco** means any cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product including electronic cigarettes (including vaping); nicotine and vaping juice, as well as spit tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form.

## Tobacco and Vaping Use Prohibited

No person is permitted to use tobacco in any way at any time, including non-school hours, on school property, grounds or at any school-sponsored event or activity off campus. Tobacco use in vehicles located on school property is also prohibited. Distribution, sale, or advertising of tobacco, including any smoking or vaping device is also prohibited on school property, grounds, and at any school-sponsored event. This policy remains in effect at all times.

## Tobacco and Vape Possession

No student is permitted to possess tobacco

or vaping devices on school property, grounds, or at school-sponsored event or activity off campus. Possession of nicotine and other liquids used for vaping is also prohibited.

## Notice

Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy.

## Enforcement

Enforcement of this policy shall be equitable and consistent in accordance with the code of conduct and employee personnel policies.

Student violations of this policy will lead to disciplinary action up to and including suspension from school and will also result in confiscation and discarding of prohibited items. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an alternative to discipline. Parent/guardians will be notified of violations involving their child and subsequent action taken by the school.

Employee violations of this policy will lead to disciplinary action in accordance with personnel policies and may include verbal warning and/or written reprimand. Violations by others will result in appropriate sanctions as determined by the Superintendent or Board.

# Reporting Violations

All students are expected to promptly report violations of the Code to a teacher, building/ program administrator or to other appropriate school personnel. Any student observing a student possessing a weapon or alcohol/drugs/controlled substances on school property or at a school function shall report this information immediately.

All school personnel who are authorized to impose disciplinary action (as described below) are expected to do so in a prompt, fair and lawful manner. School personnel who are not authorized to impose disciplinary action are expected to promptly report violations of this Code to his or her supervisor, a teacher or a building/program administrator.

In order to effectively enforce this policy and to take prompt corrective measures, **it is essential that all victims of bullying and persons with knowledge of bullying report the harassment immediately to a school administrator, teacher, or staff member. Individuals have the right to report an incident of bullying without fear or reprisal or retaliation at any time.**

The building/program administrator must notify the appropriate law enforcement agency of those Code violations that constitute a crime and affect the order or security of a school as soon as practical.





# Disciplinary Actions, Procedures and Referrals

Student discipline, actions and procedures will be implemented in a manner that is proactive, supportive, equitable, respectful, and based on trust and collaboration among administration, staff members, students and families.

**Monroe One BOCES holds all individuals accountable for their actions in a restorative and solution-oriented manner with a focus on repairing relationships, strengthening community, and increasing safety by decreasing conflict, de-escalating volatile situations, and prompting a sense of collective responsibility.**

Understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline with the ultimate goal of teaching pro-social behavior. Therefore, the board authorizes restorative justice practices to be employed where appropriate, including the use conflict resolution, restitution to those harmed, and group, classroom, community and re-entry circles to address misbehaviors. This approach seeks concurrent accountability and behavioral change in order to prevent future harm from occurring.

The main principles of restorative justice are valuing and restoring relationships, repairing

the harm done to affected parties, respecting others’ opinions, and reintegrating into the school community. Staff members will work with students to help them learn from their mistakes, understand why their behavior was unacceptable, and acknowledge the impact of their actions on others.

**Emphasis will be placed on helping students take responsibility for their actions, learn pro-social strategies to use in the future, and understand that further consequences will be implemented if they continue to cause harm to others.**

The Board directs staff and administration to utilize restorative justice practices where appropriate in addressing student disciplinary issues. In the application of restorative principles, the process is always voluntary for the students. This may happen at any time during the process, or if a student is unwilling to accept responsibility for their actions and is not demonstrating willingness to make amends.

School 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. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:



1. The student's age
2. The nature of the incident 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; and
6. Other extenuating circumstances.

If the conduct involves a student with a disability or suspected disability, the student shall also be treated consistent with the separate requirements of this Code set forth in *Discipline of Students with Disabilities*.

## Disciplinary Action

Practices which allow educators to address disciplinary matters as opportunities for learning instead of punishment are expected by the Board rather than a reliance on increasing punitive measures. When choosing interventions and consequences of student's behavior, teacher, administrators, and staff must balance the district's dual goals of eliminating school disruptions and maximizing student instruction time.

In conjunction with the list below, administration (with supports from counselors) can employ conflict resolution meetings, restitution to those harmed, and group, classroom, classroom, community, and/or re-entry circles. Except in limited circumstances, restorative justice practices will always be considered first in dealing with disciplinary issues.

Should a student choose not to participate in the restorative practices or if restorative practices have not been effective with the student in question, the list below will be utilized to determine consequences.

Students, other than adult students, who are found to have violated this Code may be

subject to the following disciplinary action, either alone or in combination. The school personnel identified after each action are authorized to impose such action, consistent with the student's right to due process.

1. Verbal warning—any school personnel.
2. Written warning—bus drivers, teachers and building/program administrators.
3. Written notification to parent—bus drivers, teachers and building/program administrators.
4. Detention—teachers and building/program administrators.
5. Suspension from transportation—director of transportation and building/program administrators.
6. Suspension from athletic participation—coaches and building/program administrators.
7. Suspension from social or extracurricular activities—activity director and building/program administrators.
8. Suspension of other privileges—building/program administrators.
9. In-school suspension—building/program administrators.
10. Removal from classroom by a teacher—teachers.
11. Short-term (five days or less) suspension from school—principal, superintendent and Board.
12. Long-term (more than five days) suspension from school—home school superintendent and Board.
13. Permanent suspension from school—home school superintendent and Board.

Formal Restorative Practices should be considered when the Code has been violated. Restorative Conversations, Circles to Repair Harm and Re-Engagement Circles

may be implemented through various stages of the disciplinary process.

In all cases involving a violation of this Code by a student, the District, in addition to or in lieu of imposing disciplinary action, may also recommend to the student's district of residence that it impose disciplinary action against the student.

## Procedures

In all cases, regardless of the penalty imposed, the school personnel authorized to impose a penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary action.

Students who will be subject to disciplinary action other than a verbal warning, written warning or written notification to their parents are entitled to additional rights before the action is imposed. These additional rights are explained below.

### Detention

Teachers and building/program administrators may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. 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.

### Suspension from District Transportation

If a student does not conduct himself/herself properly on a bus, the District's bus

driver is expected to bring such misconduct to the attention of the district's director of transportation or the building/program administrator. Students who become a serious disciplinary problem may have their riding privileges suspended. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building/program administrator to discuss the conduct and the penalty involved.

### Suspension from Athletic Participation, Extra Curricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the District official imposing the suspension to discuss the conduct and the penalty involved.

### In-school Suspension

The Board recognizes that the District must balance the need of students to attend school and the need to establish an environment conducive to learning. As such, the Board authorizes the building/program administrator to place students who would otherwise be suspended from school as the result of a Code violation in "in-school suspension."

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will

be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

## Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include the teacher giving the student an opportunity to regain his or her composure and self-control by, for example:

1. a short-term (i.e., part or all of the balance of the class period) "time out" in a classroom;
2. sending a student to the principal's office for the remainder of the class time; or
3. sending a student to other District personnel for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this Code.

On occasion, a student's behavior may become disruptive. For purposes of this Code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when, for example, a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a

disruptive student from class for up to one full class period subsequent to the class period during which the disruptive behavior occurred. A removed student shall be sent to the principal's office or to some other room or facility designated to accept removed students. The removal from class applies to the class of the removing teacher only. In the elementary grades, removal from class for one full period occurs when the student is removed for the next instructional activity or event in the school day.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a District disciplinary removal form and meet with the principal as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal prior to the beginning of classes on the next school day.

Within 24-hours after the student's removal, the principal must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parents of their right, upon request, to meet informally with the principal to discuss the reasons for the removal.

The written notice must be provided by personal delivery, or sent by express mail, or some other method that is reasonable calculated to assure receipt of the notice within 24 hours of the student's removal. To the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

If, at the informal meeting, the student denies the charges, the principal must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parents and the principal.

The principal may overturn the removal of the student from class if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence;
2. The student's removal is otherwise in violation of applicable law; or
3. The conduct warrants suspension from school pursuant to Education Law §3214, and a suspension is imposed.

The principal may overturn a removal, at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities by the classroom teacher until he or she is permitted to return to the classroom.

Each teacher must keep a complete log for all cases of removal of students from his or her class by keeping a copy of the District's disciplinary removal form. The principal must also keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability if the removal violates the student's rights under applicable law.

## Suspension from School

Suspension from school is severe, and may be imposed only upon students who are chronically insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the principals.

All school personnel should promptly report any incident that is grounds for suspension to his or her supervisor, or a teacher, or a building/program administrator. Any certified professional staff member may recommend to the superintendent or the principal that a student should be suspended.

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

## **Short-term (Five Days or Less) Suspension from School**

When the superintendent or principal (referred to as the “suspending authority”) proposes to suspend a student for five days or less pursuant to Education Law §3214, the suspending authority must immediately notify the student verbally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student’s parents in writing that the student is or will be suspended from school. The written notice must be provided by personal delivery, or sent by express mail, or some other method that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to suspend, to the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Where possible, both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student’s presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student’s presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent within 10 business days of the date of the superintendent’s decision, unless they can show extraordinary circumstances precluding them from doing so. The Board will make its decision solely upon the record before it. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the final decision.

Any required notice to parents and an informal conference shall be in the dominant language or mode of communication used by the parent

## **Long-term (More Than Five Days) Suspension from School**

When the superintendent or principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a fair hearing. At the hearing the student shall have the right to question witnesses against him or her, and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be



required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent, if made, must be made to the Board, but the Board will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the superintendent within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the final decision.

### Permanent Suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

### Minimum Periods of Suspension

#### 1. Students who bring a firearm to school.

Any student found guilty of bringing a firearm onto school property or to a school function will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis.

In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age;
- b. The student's grade in school;
- c. The student's prior disciplinary record;
- d. The superintendent's belief that other forms of discipline may be more effective;
- e. Input from parents, teachers or others, as appropriate; or
- f. Other extenuating circumstances

#### 2. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over his classroom.

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least one day. For purposes of this Code, "repeatedly substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 and this Code on four or more occasions during a semester.

### Adult Students

Adult students shall be subject to the disciplinary action described in this Code for any misconduct, but they shall not be entitled to the rights under Education Law §3214. The school personnel authorized to impose disciplinary action shall include the building/program administrator, and

permanent suspension may be imposed for any misconduct that would justify a suspension.

## Referrals

### 1. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment because:

- a. The student is habitually truant and not attending school as required by part one of Article 65 of the Education Law;
- b. The student engages in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school; or
- c. The student knowingly and unlawfully possesses marijuana in

violation of Penal law §221.05, and a single violation of Section 221.05 will be a sufficient basis for filing a PINS petition.

### 2. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the appropriate law enforcement authorities for a juvenile delinquency proceedings in Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school; or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

## Alternative Instruction

When a student (except an adult student) of any age is removed from class by a teacher or a Student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the District will take immediate steps to provide alternative instruction as required by this Code and applicable law.

# Discipline of Students with Disabilities

The Board recognizes that it may be necessary to discipline students with disabilities for violations of this Code. The Board also recognizes that students with disabilities are offered certain procedural protections whenever school authorities intend to impose disciplinary action upon them. The Board is committed to ensuring that the procedures followed for disciplining students with disabilities are consistent with the procedural safeguards required by applicable law.

## Authorized Suspensions or Removals of Students with Disabilities

### 1. Definitions:

**Suspension:** means a suspension pursuant to Education Law §3214.

**Removal:** means a removal for disciplinary reasons from the student's current educational placement, other than a suspension and change in placement to an IAES ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

**IAES:** means an interim alternative educational setting (i.e., placement) for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the

IAES occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program ("IEP"), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES and are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
  - a. The Board, the superintendent or a principal may order the placement of a student with a disability in an IAES, another setting, or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
  - b. The superintendent may order the placement of a student with a disability in an IAES, another setting, or suspension for up to 10 consecutive school days (resulting from consecutive short-term and long-term suspensions), inclusive of any period in which the student has been suspended

or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.

- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
  - d. The superintendent may order the placement of a student with a disability in an IAES, for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon on school property or at a school function, or the student knowingly possesses or uses alcohol/drugs/controlled substances or sells or solicits the sale of same while on school property or at a school function.
3. Subject to specified conditions required by applicable law, an impartial hearing officer may order the placement of a student with a disability to an IAES for up to 45 days at a time if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

## Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
  - a. For more than 10 consecutive school days; or
  - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed, and the proximity of the suspensions or removals to one another.
2. The District may not suspend or remove a student with disability if imposition of the suspension or removal would result in a disciplinary change in placement.
3. However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, if the committee on special education ("CSE") has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons or illegal drugs/controlled substances.

# Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. It is expected that the following shall occur:

- a. The CSE shall conduct or require the District to conduct as part of the referral of the student to the District a functional behavioral assessments ("FBA" to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons or alcohol/drugs/controlled substances.
- b. If a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year, is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the CSE shall review with the District the behavioral intervention plan and its implementation to determine if modifications are necessary.

c. If a building/program administrator believes that modifications to a student's current educational placement or plan are needed, the CSE will be requested to modify such placement or plan and its implementation.

d. The CSE shall conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons or alcohol/drugs/controlled substances, or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student, who is facing disciplinary action but who has not been determined to be eligible for services under IDEA and Article 89 of the Education Law at the time of misconduct, shall have the right to invoke procedural safeguards set forth in applicable law if the district of residence or the District is deemed to have had knowledge that the student was a student with a disability before the behavior precipitating disciplinary action occurred. If the district of residence or the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

The superintendent or principal imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.



A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District or the district of residence had knowledge the student was a student with a disability, the district of residence either:

- a. Conducted an individual evaluation and determined that the student is not a student with a disability; or
- b. Determined that an evaluation was not necessary and provided notice to the parents of such determination in the manner required by applicable law.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary action against the student, the student may be subjected to the same disciplinary action as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable law. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined, which can include suspension.

3. The principal or the superintendent shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student

with a disability to an IAES for either misconduct involving weapons or alcohol/drugs/ controlled substances, or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others, or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner of Education shall accompany the notice of disciplinary removal.

4. The removal of a student with a disability shall be conducted in accordance with the due process procedures applicable to non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
5. During any period of suspension or removal, including placement in an IAES, a student with a disability shall be provided services as required by applicable law.

## Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by applicable law, if:
  - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where

school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings; or

- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement including, but not limited to, any decision to place the student in an IAES.
2. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons or alcohol/drugs/ controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
3. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

4. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

## Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of applicable law:

1. The District may report a crime committed by a student with a disability to appropriate authorities, and such action will not constitute a change of the student's placement; and
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted, in accordance with applicable law, for consideration to the appropriate authorities to whom a crime is reported.

## 8 NYCRR 19.5

# Section 19.5. Prohibition of corporal punishment, aversive interventions, and seclusion and the authorized limited use of timeout and physical restraint

### (A) Purpose of section

The purpose of this section is to establish uniform guidelines that prohibit the use of corporal punishment, aversive interventions and seclusion and authorize the limited use of timeout and physical restraint in schools to address student behaviors.

### (B) Definitions

As used in this section, the following terms shall have the following meanings:

- (1) **Aversive intervention** means an intervention that is intended to induce pain or discomfort for the purpose of eliminating or reducing student behavior, including such interventions as:
- (I) contingent application of noxious, painful, intrusive stimuli or activities; strangling, shoving, deep muscle squeezes or other similar stimuli;
  - (II) any form of noxious, painful or intrusive spray, inhalant or tastes;
  - (III) contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
  - (IV) movement limitation used as a punishment, including but not limited to helmets and mechanical restraints as defined in paragraph (4) of this subdivision; or
  - (V) other stimuli or actions similar to the interventions described in this paragraph. The term shall not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions.

- (2) **Corporal punishment** means any act of physical force upon a student for the purpose of punishing that student. The term does not include the use of physical restraints, as defined in paragraph (7) of this subdivision, to protect the student, another student, teacher or any other person from physical injury when alternative procedures and methods not involving the use physical restraint cannot reasonably be employed to achieve these purposes.
- (3) **De-escalation** means the use of a behavior management technique that helps a student increase control over their emotions and behavior and results in a reduction of a present or potential level of danger to the student or others.
- (4) **Mechanical restraint** means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
- (I) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  - (II) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  - (III) restraints for medical immobilization; or
  - (IV) orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- (5) **Multi-tiered system of supports** means a proactive and preventative framework that utilizes data to inform instruction and the allocation of services to maximize achievement for all students and support students' social, emotional and behavioral needs from a culturally responsive and strength-based perspective.
- (6) **Physical escort** means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.
- (7) **Physical restraint** means a personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, body, or head freely. Physical restraint does not include a physical escort or brief physical contact and/or redirection to promote student safety, calm or comfort a student, prompt or guide a student when teaching a skill or assisting a student in completing a task, or for other similar purposes.
- (8) **Prone restraint** means physical or mechanical restraint while the student is in the face down position.

**(9) School** means a public school district, board of cooperative educational services, charter school, State-operated and State-supported school pursuant to articles 85, 87 and 88 of the Education Law, in-state and out-of-state private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law or operating under Article 81 of the Education Law, State-administered Prekindergarten (PreK) program directly operated by a school district, board of cooperative educational services, or an eligible agency, as defined in section 151-1.2(b) of this Title, or operated by a school district in collaboration with an eligible agency, preschool special education program approved pursuant to Education Law section 4410, and registered nonpublic nursery school, kindergarten, and high school, and a nonpublic school serving grades 1 through 8 that has a registered high school, in this State.

**(10) Seclusion** means the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. Seclusion does not include timeout as defined in paragraph (11) of this subdivision.

**(11) Timeout** means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control, and preparing the student to meet expectations to return to their education program in accordance with subdivision (D) of this section. The term timeout shall not include:

- (I) a student-initiated or student-requested break to utilize coping skills, sensory input, or self-regulation strategies;
- (II) use of a room or space containing coping tools or activities to assist a student to calm and self-regulate, or the use of such intervention strategies consistent with a student with a disability's behavioral intervention plan as defined in section 200.1(mmm) of this Title; or
- (III) a teacher removal, in-school suspension; or any other appropriate disciplinary action.

## **(C) Prohibition of the use of corporal punishment, aversive interventions, and seclusion**

- (1) No teacher, administrator, officer, employee or agent of a school shall use the following against a student:
  - (I) corporal punishment;
  - (II) aversive interventions; or
  - (III) seclusion.
- (2) For purposes of this subdivision the term "agent" shall include, but not be limited to, school resource officers, except when a student is under arrest and handcuffs are necessary for the safety of the student and others.



## (D) Authorized limited use of timeout and physical restraint

Positive, proactive, evidence- and researchbased strategies through a multi-tiered system of supports shall be used to reduce the occurrence of challenging behaviors, eliminate the need for the use of timeout and physical restraint, and improve school climate and the safety of all students. Timeout and physical restraint may be used only when: other less restrictive and intrusive interventions and de-escalation techniques would not prevent imminent danger of serious physical harm to the student or others; there is no known medical contraindication to its use on the student; and school staff using such interventions have been trained in its safe and appropriate application in accordance with the requirements of paragraph (7) of this subdivision. Timeout and physical restraints shall not be used as discipline or punishment, retaliation, or as a substitute for positive, proactive intervention strategies that are designed to change, replace, modify, or eliminate a targeted behavior.

### (1) Use of timeout

Except as provided in section 200.22(c) of this Title, timeout shall only be used in a situation that poses an immediate concern for the physical safety of the student or others. Staff shall return the student to their educational program as soon as the student has safely deescalated, regained control and is prepared to meet expectations.

- (I) A room or physical space used for purposes of timeout may be located within a classroom or outside of the classroom and shall comply with the following requirements:
  - (a) The room or physical space shall:
    - (i) be unlocked, and any door must be able to be opened from the inside. The use of locked rooms or physical spaces is prohibited.
    - (ii) provide a means for continuous visual and auditory monitoring of the student;
    - (iii) be of adequate width, length and height to allow the student to move about and recline comfortably;
    - (iv) be clean and free of objects and fixtures that could be potentially dangerous to a student; and
    - (v) meet all local fire and safety codes.
  - (b) Wall and floor coverings shall, to the extent practicable, be designed to prevent injury to the student and there shall be adequate lighting and ventilation.
  - (c) The temperature of the room or physical space shall be within the normal comfort range and consistent with the rest of the building.
- (II) Staff shall continuously monitor the student in a timeout room or space.
- (III) Staff functioning as timeout monitors shall be trained in accordance with paragraph (7) of this subdivision.

## (2) Use of physical restraint

Physical restraint shall only be used in a situation in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others.

- (I) The type of physical restraint used shall be the least restrictive technique necessary and be discontinued as soon as the imminent danger of serious physical harm has resolved.
- (II) Physical restraint shall never be used in a manner that restricts the student's ability to breathe or communicate or harms the student.
- (III) The use of prone restraint is prohibited.
- (IV) Physical restraint shall not be used as a planned intervention on a student's individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for a student by the school.
- (V) Physical restraint shall not be used to prevent property damage except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
- (VI) Physical restraints shall be administered only by staff who have received training in accordance with paragraph (7) of this subdivision.
- (VII) Following a physical restraint, if an injury has been sustained or believed to have been sustained, the school nurse, pursuant to section 902(2)(b) of the Education Law or other medical personnel (i.e., physician, physician assistant, or a nurse practitioner) shall evaluate the student to determine and document if any injuries were sustained during the incident.

## (3) Parental notification

Each school shall develop a procedure to:

- (I) ensure same day notification to a parent or person in parental relation to the student following the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan consistent with section 200.22(c) of this Title, or use of a physical restraint. When the student's parent or person in parental relation cannot be contacted, after reasonable attempts are made, the school principal or building administrator shall record such attempts. For students with disabilities, the school principal or building administrator shall report such attempts to the student's committee on preschool special education or committee on special education. Such notification shall offer the parent the opportunity to meet regarding the incident; and
- (II) provide the parent or person in parental relation to the student a copy of the documentation of the incident within three school days of the use of timeout or a physical restraint.

## (4) Documentation

- (l) The school shall maintain documentation of each incident involving the use of timeout, including timeout used in conjunction with a student's behavioral intervention plan consistent with section 200.22(c) of this Title, and/or physical restraint on each student, which shall include:
  - (a) the name and date of birth of the student;
  - (b) the setting and location of the incident;
  - (c) the name of the staff who participated in the implementation, monitoring and supervision of the use of timeout and/or physical restraint and any other persons involved;
  - (d) a description of the incident including duration, and for physical restraint, the type of restraint used;
  - (e) whether the student has an individualized education program, Section 504 accommodation plan, behavioral intervention plan, or other plan developed for the student by the school;
  - (f) a list of all positive, proactive intervention strategies utilized prior to the use of timeout and/or physical restraint; and for students with disabilities, whether those strategies were consistent with a student's behavioral intervention plan, if applicable;
  - (g) the details of any injuries sustained by the student or staff during the incident and whether the student was evaluated by the school nurse or other medical personnel;
  - (h) the date and method of notification to the parent or person in parental relation pursuant to paragraph (3) of this subdivision and whether a meeting was held; and
    - (i) the date of the debriefing held consistent with the requirements of paragraph (5) of this subdivision.
    - (ii) Documentation of the incident shall be reviewed by supervisory personnel and, as necessary, the school nurse or other medical personnel.
    - (iii) Documentation of each incident shall be maintained by the school and made available for review by the department upon request.

## (5) Debriefing

As soon as practicable, and after every incident in which timeout and/or a physical restraint is used on a student, a school administrator or designee shall:

- (l) meet with the school staff who participated in the use of timeout and/or physical restraint to discuss:
  - (a) the circumstances leading to the use of timeout and/or physical restraint;

- (b) the positive, proactive intervention strategies that were utilized prior to the use of timeout and/or physical restraint; and
  - (c) planning for the prevention and reduction of the future need for timeout and/or physical restraint with the student including, if applicable, whether a referral should be made for special education programs and/or other support services or, for a student with a disability, whether a referral for review of the student's individualized education program and/or behavioral intervention plan is needed; and
- (II) direct a school staff member to debrief the incident with the student in a manner appropriate to the student's age and developmental ability and to discuss the behavior(s), if any, that precipitated the use of timeout and/or physical restraint.

## **(6) Review of documentation**

The school administrator or designee shall regularly review documentation on the use of timeout and physical restraint to ensure compliance with school's policy and procedures. When there are multiple incidents within the same classroom or involving the same staff, the school administrator or designee shall take appropriate steps to address the frequency and pattern of use.

## **(7) Staff training**

- (I) All staff shall receive annual training on the school's policies and procedures related to the use of timeout and physical restraint; evidence-based positive, proactive strategies; crisis intervention and prevention procedures and de-escalation techniques.
- (II) In addition to the training requirements for all staff in subparagraph (i), any staff who may be called upon to implement timeout or physical restraint, shall receive annual, evidence-based training in safe and effective developmentally appropriate timeout and physical restraint procedures.

## **(8) Written policy**

- (I) Each school shall adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint consistent with this subdivision. Such policy and procedures shall at a minimum include:
  - (a) factors which may precipitate the use of the timeout or physical restraint;
  - (b) developmentally appropriate time limitations for the use of timeout and physical restraint;
  - (c) prohibiting placing a student in a locked room or space or in a room where the student cannot be continuously observed and supervised;
  - (d) prohibiting the use of prone restraint;

- (e) the requirements in section 200.22(c) of this Title relating to students with disabilities whose behavioral intervention plan includes the use of timeout as a behavioral consequence;
  - (f) staff training provided in accordance with the requirements of paragraph (7) of this subdivision
  - (g) information to be provided to the parent or person in parental relation, including a copy of the timeout and physical restraint policy; and
  - (h) notifying the parent or person in parental relation on the same day when a student is placed in a timeout or a physical restraint is used in accordance with the requirements of paragraph (3) of this subdivision; and
  - (i) data collection to monitor patterns of use of timeout and physical restraint.
- (II) The written policy shall be made publicly available for review at the district or school administrative office(s) and each school building, and posted on the school's website, if one exists.

## (E) Annual reporting

Beginning with the 2024-2025 school year, each public school district, board of cooperative educational services, charter school, State-operated school pursuant to Articles 87 and 88 of the Education Law, and private residential school operated pursuant to Article 81 of the Education Law, shall submit an annual report on the use of physical restraint and timeout and substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint and other aversive interventions, prone physical restraint, and seclusion to the department, on a form and at a time prescribed by the commissioner in accordance with the requirements of section 100.2(bb)(2). In addition, public school districts shall report such data for students for whom they are the district of residence, and who are otherwise not reported, including students attending a State-supported school pursuant to Article 85 of the Education Law, in-state and out-of-state private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law, or preschool special education program approved pursuant to section 4410 of the Education Law.

## Credits

Sec. filed Feb. 27, 1985; amds. filed: June 23, 2006 as emergency measure; Sept. 19, 2006 as emergency measure; Nov. 17, 2006 as emergency measure; Jan. 16, 2007 as emergency measure eff. Jan. 16, 2007; Jan. 16, 2007 eff. Jan. 31, 2007. Amended sec. title, (a)-(b); rep. and new added filed July 18, 2023 eff. Aug. 2, 2023 (Register dated Aug. 2, 2023).

Current with amendments included in the New York State Register, Volume XLV, Issue 32 dated August 9, 2023. Some sections may be more current, see credits for details.



# Student Searches and Interrogations

**The Board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly.**

To achieve this kind of environment, school personnel may question a student about an alleged violation of law or this Code. Students are not entitled to any sort of “Miranda”-type warning before being questioned, nor are school personnel required to contact a student’s parent before questioning the student. However, school personnel should tell all students why they are being questioned.

In addition, the Board authorizes the superintendent, building/program administrators, the director of security, and school security officers to conduct searches of students and their belongings if there is a reasonable suspicion to believe that the search will result in evidence that the student violated the law or this Code.

Those same individuals may conduct a search of a student’s belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as there is a legitimate reason for the very limited search.

Those same individuals may also search a student or the student’s belongings based on information received from a reliable informant. Individuals, other than school personnel, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an

immediate threat to safety. School personnel will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student’s belongings, the student should be encouraged to admit possession of physical evidence of the violation of law or this Code, or encouraged to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

For safety and security purposes, Monroe One BOCES works with local police to conduct periodic searches on school grounds using trained narcotics dogs and conducts periodic screening for weapons using metal detector scanning devices.

## Student Lockers, Desks, and Other School Storage Places

The rules in this Code regarding searches of students and their belonging do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and the District retains complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time without prior notice to students and without their consent.

## Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. In general, the Board prohibits district staff from conducting strip searches of students. If, under extraordinary and emergency circumstances, a school official believes it is necessary to conduct a strip search of a student, the Superintendent shall make a determination in consultation with the school attorney. Any strip search must be conducted by an authorized school official of the same sex as the student, in the presence of another district professional employee also of the same sex as the student. The district shall attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

## Documentation of Searches

The authorized school official conducting the search shall be responsible for recording the following information about each search:

1. Name, age and grade of student searched;
2. Reasons for the search;
3. Name of any informant(s);
4. Purpose of the search (that is, what item(s) were being sought);
5. Type and scope of the search;
6. Person conducting the search and his or her title and position;
7. Witnesses, if any, to the search;
8. Time and location of the search;
9. Results of the search (that is, what item(s) were found);
10. Disposition of items found; and
11. Time, manner and results of parental notification.

The authorized school official shall be responsible for the custody, control and disposition of any illegal or dangerous items taken from a student until the items are turned over to the police or to the coordinator of safety and security, who will then turn the items over to the police.

## Police Involvement in Searches and Interrogations of Students

The District is committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students on school property or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant;
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Consent from a school official.

Before police officials are permitted to question or search any student, the building/program administrator or the coordinator of safety and security shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If a student is under age 16, and if the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The building/program administrator or the Director of Security will also be present during any police questioning or search of a student on school property or at a school function.

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

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

## Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

All requests by child protective services workers to interview a student on school

property shall be made directly to the building/program administrator, who shall verify the identification of the child protective services worker and set the time and place of the interview. The building/program administrator shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school personnel of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.



# Visitors to the Schools

The Board recognizes that parents/guardians and other citizens may wish to visit the District's schools and classrooms. However, because schools are a place of work and learning, certain limits must be set for such visits. The principal is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors on school property:

1. Anyone who is not a staff member or student of the school will be considered a visitor;
2. All visitors to the school must report to the designated visitor registration center upon arrival at the school, where they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while on school property;
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register;
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with a building/program administrator, so that class disruption is kept to a minimum, and so that the visit can be arranged, at minimum, in accordance with any contract applicable to the employment of teachers;
5. Teachers are not expected to take class time to discuss individual matters with visitors;
6. Any unauthorized person on school property will be reported to the District's security officials, who will ask such person to leave and, if such person refuses to leave, the police may be called if the situation warrants; and
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code.





# Public Conduct on School Property

**The Board 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 this Code, "public" shall mean all persons when on school property or attending a school function including students, teachers and school 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 Board recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this Code is to maintain public order and prevent abuse of the rights of others.

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

## Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person, or threaten or attempt to do so;
2. Intentionally damage, steal or destroy school property or the personal property of a teacher, administrator, other district personnel or any person lawfully on school property or attending a school function, including graffiti or arson, or threaten or attempt to do so; No person shall at any time

remove property from recycle bins or dumpsters from Monroe One BOCES property.

3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school property or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, age, gender, sexual orientation, disability, or any other categories of individuals protected against discrimination by federal, state, or local law.

Sexual harassment is also prohibited. All students and staff will be allowed to work in an environment free from unsolicited and unwelcomed sexual overtures.

Sexual harassment is behavior that is not welcome, personally offensive, immoral, has sexual overtones, and interferes with the work environment of its victims. Any person who believes he or she has been sexually harassed, or harassed in any manner, may file a complaint with an administrator and/or the District Title IX/Civil Rights Compliance Officer. At that time, you may file an informal complaint or formal complaint. Based on the form of complaint, a full investigation will be made and a report stating findings and a recommendation of disciplinary action will be filed with the superintendent. Upon review,



individuals who are guilty of sexual harassment are subject to disciplinary action.

6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this Code applies;
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcohol/drugs/controlled substances, or be under the influence of same 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 District;
11. Loiter on or about school property or at a school function.
12. Gamble on school property or at school functions;
13. Refuse to comply with any reasonable order of identifiable District officials performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this Code; or
15. Violate any applicable law, this Code or other District rule while on school property or while at a school function.

## Penalties

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

1. **Visitor:** Their authorization, if any, to remain on school property 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 removal by the police or other appropriate authorized authorities.
2. **Student:** They shall be subject to disciplinary action in accordance with this Code.
3. **School personnel:** They shall be subject to warning, reprimand, suspension or dismissal in accordance with applicable law.

## Enforcement

School personnel, to the extent authorized by this Code or other District rule, shall be responsible for enforcing the conduct required by this Code.

When school personnel see 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 individual shall be told that the conduct is prohibited and asked to stop. School personnel may 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 school personnel shall respond in accordance with this Code.

The District reserves its right to pursue a civil or criminal legal action against any person violating this Code, if the violation is so actionable.

# Dissemination of Code of Conduct

To ensure that the community is aware of this Code, the following will occur:

1. Copies of a summary of this Code will be given yearly to all students who are enrolled and explained in an age-appropriate plain language version.
2. Copies of a summary of this Code will be mailed to all parents (which, throughout this Code, also means all persons in a parental relation to the student) before the beginning of the school year.
3. Copies of this Code will be given to all parents at the time of enrollment;
4. All current teachers and other staff members will initially be given a copy of a summary of this Code and then, after completion of an in-service educational program, a copy of this Code and a copy of any amendments to this Code as soon as practicable after adoption;
5. All new employees will be given a copy of this Code when they are first hired;
6. Copies of this Code will be available to students, parents and other community members upon request;
7. This Code will be posted on the

District's website; and

8. In-service education programs will be conducted for all school personnel to ensure the effective implementation of this Code.

The Board will review this Code every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing this Code and the District's response to Code violations. The committee will be made up of representatives of students, teachers, administrators, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to this Code, the Board will hold at least one public hearing at which school personnel, parents, students, and any other interested party may participate.

This Code and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.





# Compliance

If at any time a part of this Code is inconsistent with applicable law, that part of the Code shall be considered amended so that it complies with applicable law.

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