

Board of Education

1914 County Route 35, PO Box 57
Milford, NY 13807
607-286-7715, ext. 2224



2018-2019 ANNUAL REORGANIZATION MEETING AGENDA

Wednesday, July 11, 2018
12:30 p.m. - ETC Room

Otsego Area Occupational Center
Milford, New York 13807

The Mission of the Otsego Northern Catskills BOCES is:

To provide leadership and support systems through teamwork with the component districts to enhance student outcomes and lifelong learning.

Adopted: May 20, 1991

- I. ROLL CALL & QUORUM CHECK**
- II. PLEDGE OF ALLEGIANCE**
- III. CALL TO ORDER BY BOARD CLERK**
- IV. ORGANIZATION OF THE BOARD**
 - A. ADMINISTRATION OF OATH FOR NEWLY ELECTED BOARD MEMBERS**

Robert Calloway
 - B. ELECTION OF OFFICERS FOR 2018 - 2019**
 - 1. President - Nominations and Election
 - 2. Vice-President - Nominations and Election
 - C. ADMINISTRATION OF OATH FOR NEWLY ELECTED OFFICERS ABOVE**
 - D. BOARD APPOINTMENTS**

1. Board Clerk (Alyssa Oliveri)
2. Treasurer (Patricia Powell-Wagner)
3. Deputy Treasurer (Dr. Jennifer Bolton)
4. Claims Auditor (Gail Miner - compensation \$5,000)
5. Assistant Clerk (Nicholas Savin)
6. Deputy Claims Auditor (Donald Brown- compensation \$65 per week worked)

E. ADMINISTRATION OF OATH FOR NEWLY ELECTED APPOINTMENTS .
ABOVE

F. ADMINISTRATION OF OATH FOR DISTRICT SUPERINTENDENT -
Nicholas J. Savin

G. OTHER APPOINTMENTS

1. Purchasing Agent (Lynn Chase)
2. Auditor for Extra Classroom Activities Funds for NCOC & OAOC (Lynn Chase)
3. Central Treasurer of Extra Classroom Funds - NCOC (Cassandra Bruno)
4. Central Treasurer of Extra Classroom Funds - OAOC (Kristin Steigmeier)
5. Deputy Central Treasurer of Extra Classroom Funds - NCOC (Kristin Steigmeier)
6. Deputy Central Treasurer of Extra Classroom Funds - OAOC (Cassandra Bruno)
7. Local Education Agency Designee - Asbestos, SARA (Vincent Wojciechowski)
8. Records Access Officer (Dr. Jennifer Bolton)
9. Records Management Officer (Dr. Jennifer Bolton)
10. Records Retention and Disposition Officer (Dr. Jennifer Bolton)
11. Independent Auditor (D'Arcangelo & Company)
12. Legal Advisor to the Board of Education (Hogan, Sarzynski, Lynch, Surowka & DeWind, LLP. In addition, the Board of Education will use Ferrara, Fiorenza, Larrison, Barrett & Reitz, PC, and Girvin & Ferlazzo, PC, as needed for special projects)
13. WinCap System Managers (Diane Matteson, Manager, and Annette Hinkley, Substitute Manager)

14. Designation of Officer to Represent the District on the Governing Board of the Catskill Area Schools Employee Benefit Plan (Dr. Jennifer Bolton)
15. Designation of Designee to Represent the District on the Governing Board of the Catskill Area Schools Employee Benefit Plan (Nicholas Savin)
16. Medicaid Compliance Officer (Jason Sanchez)
17. Dignity for All Students Coordinators (Ryan DeMars and Joseph Booan)
18. Chief Information Officer - CIO (Rachel Wright)
19. Homeless Liaison (Joe Booan)
20. Test Integrity Officer (Nicholas J. Savin)
21. Test Integrity Officer Designee (Douglas Favaloro)

H. AUTHORIZATIONS

1. Approve Employee Attendance at Conferences (Nicholas Savin and Dr. Jennifer Bolton)
2. Certification of Payrolls (Dr. Jennifer Bolton)
3. Designation of Signatures on Checks (Patricia Powell-Wagner and Dr. Jennifer Bolton)
4. Electronic Check Signature Disk to authenticate checks issued on BOCES accounts (Patricia Powell-Wagner and Dr. Jennifer Bolton)
5. Budget Transfers on Chief School Officer's Approval (Dr. Jennifer Bolton)
6. Application for Grants in Aid (State and Federal) (Nicholas Savin)
7. Establish Mileage Reimbursement Rate - IRS Rate
8. Offer school district employee and officer indemnification under Public Officer's Law §18
9. Approval of Contracts (Board President) or (Vice President)
10. Establish Adult Education CTE Tuition Rate - \$12,000 per year
11. Establish Substitute Pay Rate (Teachers - \$90/day; Licensed Teaching Assistants - \$70/day; Registered Nurses- \$110/day; Licensed Practical Nurses - \$85/day)
12. Designee for Signature on Use of Facilities Request Form (Joseph Booan, NCOC; Ryan DeMars, OAOC)

I. BOARD APPOINTMENTS AND AUTHORIZATION DURING DR. JENNIFER BOLTON'S LEAVE OF ABSENCE

1. Deputy Treasurer - Heather Gockel
2. Records Access Officer - Diane Matteson
3. Records Management Officer - Diane Matteson

4. Records Retention and Disposition Officer - Diane Matteson
5. Certification of Payrolls - Joe Booan
6. Designation of Signatures on Checks -Patricia Powell-Wagner and Heather Gockel
7. Electronic Check Signature Disk to authenticate checks issued on BOCES accounts Patricia Powell-Wagner and Heather Gockel
8. Budget Transfers on Chief School Officers Approval - Lynn Chase

J. BANK DEPOSITORIES

1. National Bank and Trust Company of Norwich, Hobart and Grand Gorge Branches.
2. National Bank of Delaware County
3. Community Bank
4. Key Bank N.A.
5. J.P. Morgan Chase Bank
6. The Bank of Greene County
7. Citizens Bank
8. First Niagara
9. HSBC Bank USA
10. New York Liquid Asset Fund (NYLAF)

K. DESIGNATION OF OFFICIAL NEWSPAPERS FOR LEGAL NOTICES

1. The Daily Star, Oneonta
2. The Mountain Eagle, Stamford

Additional Publications to be used at the discretion of the Board Clerk:

1. The Daily Mail, Hudson
2. The Catskill Mountain News, Arkville

V. OTHER BOCES BUSINESS

A. PETTY CASH

1. CATSKILL AREA SCHOOL STUDY COUNCIL \$200
(Jarrin Hayen)

B. DATE, TIME AND PLACE OF MEETINGS

Normally, the second Wednesday of each month at 12:30 p.m.

Wednesday, August 22, 2018

Wednesday, September 12, 2018

Wednesday, October 10, 2018

Wednesday, November 14, 2018

Wednesday, December 12, 2018

Wednesday, January 9, 2019

Wednesday, February 13, 2019

Wednesday, March 13, 2019

Wednesday, April 10, 2019

Wednesday, May 15, 2019

Wednesday, June 12, 2019

Board Retreat: March 21

Annual Meeting: April 9, 2019, Otsego Area Occupational Center, Milford NY

Budget Vote/Election: April 22, 2019

VII. RE-ADOPTION OF BOARD POLICIES

#2160 CODE OF ETHICS - CONFLICT OF INTEREST - Attachment #1

#6240 INVESTMENT POLICY AND GUIDELINES - Attachment #2

#8332 USE OF CELL PHONES - Attachment #3

#8334 USE OF DISTRICT CREDIT CARDS- Attachment #4

VIII. REVIEW AND ADOPTION OF BOARD POLICIES

#5300 CODE OF CONDUCT – Attachment #5

IX. COMMENTS BY BOARD MEMBERS**X. COMMENTS BY DISTRICT SUPERINTENDENT**

ao

7/5/18

Attachments

CODE OF ETHICS

A local code establishing standards of conduct for officers and employees of the School District.

BE IT RESOLVED by the Board of Education of the School District as follows:

SECTION 1.

Pursuant to the provisions of section eight hundred six of the General Municipal Law, the Board of Education of the School District recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our school system. It is the purpose of the local code to promulgate these rules of ethical conduct for the officers and employees of the School District. These rules shall serve as a guide for official conduct of the officers and employees of the School District. The rules of ethical conduct of this local code as adopted, shall not conflict with, but shall be in addition to, any prohibition of article eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

SECTION 2.**DEFINITION:**

- (a) Municipal Officer or Employee means an officer, board of education member, teacher, or employee of the School District, whether paid or unpaid, including members of any administrative board, committee, or other unit thereof.
- (b) Interest means a pecuniary or material benefit accruing to an officer, teacher, or employee unless the context otherwise requires.

SECTION 3.**STANDARD CONDUCT**

Every officer, teacher or employee of the School District shall be subject to and abide by the following standards of conduct:

- (a) GIFTS - They shall not directly or indirectly solicit any gifts; or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be inferred that

the gift was intended to influence him, in the performance of his official duties or was intended as reward for any official action on his part.

(b) **CONFIDENTIAL INFORMATION** - They shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.

(c) **INVESTMENTS IN CONFLICT WITH OFFICIAL DUTIES** - They shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transactions, which creates a conflict with his official duties.

(d) **PRIVATE EMPLOYMENT** - They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

SECTION 4.

DISTRIBUTION OF CODE OF ETHICS - The Superintendent of the School District shall cause a copy of this Code of Ethics to be distributed to every officer, board of education member, teacher and employee employed or appointed thereafter shall be furnished a copy before entering upon the duties of his office of employment.

SECTION 5.

PENALTIES - In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be suspended or removed from office or employment, as the case may be, in the manner provided by law.

Adopted: March 14, 2018; *July 11, 2018*

ANNUAL CONFLICT OF INTEREST DECLARATION

I, the undersigned Trustee of the Otsego Northern Catskills BOCES, hereby state that to the best of my knowledge, except as disclosed below:

- Neither I nor any member of my family (meaning my spouse, parents, siblings or children) holds any office, directorship or employment, or has any personal financial interest, directly or indirectly, in any corporation, partnership or other entity that transacts business with the Otsego Northern Catskills BOCES, its trustees or affiliates.
- I, as an individual, do not transact any business, directly or indirectly, with the Otsego Northern Catskills BOCES, its trustees or affiliates.
- No member of my family is employed by or transacts business, directly or indirectly, with the Otsego Northern Catskills BOCES, its trustees or affiliates.
- Neither I nor any member of my family has, directly or indirectly, (i) any investment in any non-publicly traded corporation, partnership or other entity in which the Otsego Northern Catskills BOCES, its trustees or affiliates has an investment, or in any corporation, partnership or other entity in which the Otsego Northern Catskills BOCES, its trustees or affiliates has a controlling interest, or (ii) an ownership interest of 5% or more in any entity in which the Otsego Northern Catskills BOCES, its trustees or affiliates has an investment.

Exceptions:

I am an employee, trustee, director, officer, agent for or proprietor of, or hold a controlling interest in, the following for-profit and not-for-profit organizations:

I agree that if there should arise any situation of which I am aware that is in any way contradictory of the above statements, I will immediately notify the Otsego Northern Catskills BOCES Board of Education of any conflict, actual or potential, and will make a full public, written disclosure. I agree further that if it is determined that a potential conflict of interest exists in relation to any transaction or other business relationship, I shall comply with the Otsego Northern Catskills BOCES Conflict of Interest Policy and Code of Ethics for Board Members in connection therewith.

Date

Signature

Printed Name

Adoption date: July 7, 2009; *July 11, 2018*

INVESTMENT POLICY AND GUIDELINES

I. SCOPE

This investment policy applies to all monies and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The Board of Education's responsibility for administration of the investment program is delegated to the Director of Management Services who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in Otsego Northern Catskills BOCES to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investments, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict or create a perceived conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Otsego Northern Catskills BOCES to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of Otsego Northern Catskills BOCES for all monies collected by any officer or employee of the BOCES to transfer those funds to the Treasurer within five days for deposit, or within the time period specified in law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The BOCES may deposit monies in any bank or trust company authorized to do business in New York State. The banks and trust companies authorized for the deposit will be approved at the annual reorganizational meeting.

VIII. COLLATERALIZING DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Otsego Northern Catskills BOCES, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- A. By a pledge of "eligible securities" with an aggregate of 102% "market value" as provided by GML S10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
- B. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- C. By an eligible surety bond payable to the BOCES for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State,

whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the BOCES, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Otsego Northern Catskills BOCES or its custodial bank. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Otsego Northern Catskills BOCES authorizes the Treasurer under the direction of the Deputy Superintendent and the Director of Management Services to invest monies not required for immediate expenditures for terms not to exceed its projected cash flow needs in the following types of investments:

- Demand deposit accounts;
- Certificates of deposit;
- Special time deposit accounts;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Otsego Northern Catskills BOCES;
- Cooperative investment program established in accordance with Article 5-G of the New York General Municipal Law, as amended, and Article 3-A of the General Municipal Law (Chapter 623 of the Laws of 1998).

- Qualified Reciprocal Deposit Program as allowed under Chapter 128 of NYS Laws of 2012 amended sections 10 and 11 of the General Municipal Law.

All investment obligations shall be payable or redeemable at the option of the Otsego Northern Catskills BOCES within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Otsego Northern Catskills BOCES within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Otsego Northern Catskills BOCES shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Otsego Northern Catskills BOCES conducts business must be credit worthy. Banks shall provide their most recent Annual and/or Quarterly Report at the request of the Otsego Northern Catskills BOCES. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Board of Education.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Board of Education.

All purchased obligations, unless registered or inscribed in the name of BOCES, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Otsego Northern Catskills BOCES by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, § 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the BOCES, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the BOCES a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks and trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

XIV. OPERATIONS, AUDIT, AND REPORTING

1. The BOCES Treasurer, or in his/her absence, the Otsego Northern Catskills BOCES Board of Education President, shall authorize the purchase and sale of all securities and execute contracts for Repurchase Agreements and certificates of deposit on behalf of the Otsego Northern Catskills BOCES. Oral directions concerning the purchase or sale of securities shall be confirmed in writing. The BOCES will pay for purchased securities upon the simultaneous delivery or book-entry thereof.
2. The Otsego Northern Catskills BOCES will encourage the purchase and sale of securities through a competitive or negotiated process involving telephone solicitation for at least two bids for each transaction.
3. At the time independent auditors conduct the annual audit of the accounts and financial affairs of the Otsego Northern Catskills BOCES, the independent auditors shall audit the investments of the Otsego Northern Catskills BOCES for compliance with the provisions of these Investment Guidelines.
4. The BOCES Treasurer shall prepare and submit to the Board of Education of the Otsego Northern Catskills BOCES a quarterly investment report which indicates new investments, the inventory of existing investments and such other matters as the Treasurer deems appropriate.
5. The BOCES Treasurer shall prepare and submit to the Board of Education an annual investment report; recommendations for change in these Investment Guidelines; the results of the annual independent audit; the investment income record; a list of total fees, commissions or other charges, if any, paid to the Custodial Bank; and such other matters as the Treasurer deems appropriate.

6. At least annually, and if practicable, at the Reorganization Meeting of the Board of Education, the Members shall review and amend, if necessary, these Investment Guidelines.
7. Any deviation from this investment policy will be reviewed with the Board of Education for their approval prior to any investment activity.
8. The provisions of these Investment Guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate the prior selection of any Custodial Bank or prior investment.

Adoption date: January 23, 2008

Revised dates: July 8, 2008; July 7, 2009, July 7, 2010, August 22, 2012, March 12, 2014; July 9, 2015; July 6, 2016; July 12, 2017, *July 11, 2018*

USE OF CELL PHONES

The Board of Education recognizes that certain BOCES employees will need to carry cell phones in order to meet their job responsibilities. The BOCES shall establish the appropriate level of service contract for each specific employee. Once the appropriate level of service is established, the employee can either chose to be given a BOCES owned cell phone with this level of service, or the employee can chose to use their personal cell phone for BOCES business and be reimbursed in an amount equal to the state contract pricing for the approved plan type. In either case, substantive business communications cannot be conducted by text message.

A list of job titles and the authorized level of service for covered cell phones costs shall be maintained in the Deputy Superintendent's Office and reported to the Board of Education for its approval each year at its reorganizational meeting in July or as changes are needed.

For employees using BOCES owned cell phones, the following rules apply:

- All cellular telephone contracts shall be secured through the appropriate purchasing process (e.g., competitive bid, RFP process).
- The employee shall make every attempt to use his/her cellular phone for business purposes only; however, in the event an employee uses a cellular phone for other than business purposes, he/she shall reimburse the BOCES for such non-business calls at the per minute charge.
- Individuals authorized to use BOCES cellular telephones shall agree in writing to accept financial responsibility for any inappropriate usage by that individual. In addition, since employees are issued district owned cell phones in connection with their work responsibilities, employees should not have an expectation of privacy with respect to information contained on the device (e.g. text messages, records of phone calls).
- Employees must take proper care of cell phones and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Deputy Superintendent. Since employees are responsible for the safe return of BOCES-owned cell phones, employees who use BOCES-owned cell phones may be liable for damages or losses which occur during the period of its use.
- Employees must choose a plan available on state contract with pricing up to the plan type approved by their Supervisor and the Board of Education.

For employees using personal cell phones for BOCES business, the following rules apply:

- An ONC BOCES Cell Phone Authorization form must be completed and filed with the Business Office and the Deputy Superintendent's office.
- Reimbursements for cell phone coverage will be made quarterly upon receipt of the reimbursement request form and a copy of the first page, indicating the type of service plan, of the personal cell phone bill.
- Employees, who chose to receive reimbursement from the BOCES, will not also receive a data plan purchased by the BOCES.

Adoption date: January 23, 2008

Revised dates: April 30, 2008, July 8, 2008; July 7, 2009; July 7, 2010; October 19, 2010,
November 14, 2012; July 12, 2017; ***July 11, 2018***

**AUTHORIZED PERSONNEL
CELL PHONE USE**

- Plan A – 400 mins of voice, unlimited text and data
 - District Superintendent (1)
 - Deputy Superintendent (1)
 - Assistant Superintendent (1)
 - Directors (3)
 - Principals (2)
 - Assistant Principal (1)
 - Innovative Programs Administrator (1)
 - Supervisor of Itinerant Services/Adult Ed (1)
 - Work Based Internship Administrator (1)
 - Program Leaders (8)
 - Staff Developers (6)
 - Coordinator of SLS/Media Services (1)
 - Computer Technicians (6)
 - Help Desk Support (1)
 - Director of Facilities (3)
 - Building Maintenance Supervisor (2)
 - Executive Secretary/Administrative Assistants (3)
- Plan B – 400 mins of voice and 250 text messages
 - School Food Service Manager (1)
 - Library Automation Coordinator (1)
- Plan C – Charge per min, flat rate base service
 - Principal owned phones for trips (2)
 - BOCES Courier (1)

Adoption Date: January 23, 2008

Revised Date: April 30, 2008; May 20, 2008; June 24, 2008; July 8, 2008; July 7, 2009; August 25, 2009; April 28, 2010; April 27, 2011; July 11, 2012; November 14, 2012; July 10, 2013; September 11, 2013; July 15, 2014; November 12, 2014; November 17, 2015; August 24, 2016; October 12, 2016; July 12, 2017; October 11, 2017; November 8, 2017; March 14, 2018; **July 11, 2018**

USE OF DISTRICT CREDIT CARDS

It is recognized that specific BOCES employees will be issued a BOCES credit card to assist with their job responsibilities. The use of a BOCES credit card is not to circumvent purchasing policy but to be used as an option when paying a vendor. Credit cards may only be used for legitimate BOCES business expenditures supported by an approved purchase order or pre-approved expense reimbursement request on file.

The BOCES shall establish a credit line not to exceed 500,000. Credit cards will be issued to BOCES employees by the Director of Management Services in consultation with the Deputy Superintendent, who will establish specific card limits in accordance with approved purchase orders. The remaining credit line will be applied to one credit card issued to the Treasurer, which will kept in the Business Office safe to be used for eligible payments to vendors.

BOCES issued credit cards shall be used prudently and only for official school business. Individuals authorized to use BOCES credit cards shall agree in writing to accept financial responsibility for any inappropriate usage by that individual. Users must submit detailed documentation, including itemized receipts for commodities, services, travel and or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.

The Board shall ensure that the credit card will be secured through an RFP process, or State contract and the relationship between the district and the credit card company is such that the district preserves its right to refuse to pay any claim or portion thereof that is not expressly authorized, does not constitute a proper district charge, or supersedes any laws, rules, regulations, or policies otherwise applicable. In addition, the Board will ensure that no claim shall be paid unless an itemized voucher approved by the officer whose action gave rise or origin to the claim, shall have been presented to the Board and shall have been audited and allowed.

Users must take proper care of these credit cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must be reported immediately to the Director of Management Services and to the appropriate financial institution.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature or violate the intent of this policy will result in credit card revocation and discipline of the employee.

The Deputy Superintendent shall periodically, but no less than twice a year, monitor the use of each credit card and report any serious problems and/or discrepancies directly to the District Superintendent and the Board.

Cross-ref: 6700, Purchasing
6830, Expense Reimbursement

Ref: Education Law §§1724(1); 2524(1) (itemized, audited, and approved vouchers required)

Opns. St. Compt. No. 79-202 (use of multi-purpose credit cards by municipal employees)
Opns. St. Compt. No. 79-494
Opns. St. Compt. No. 78-897 (gas credit cards)

Adoption date: January 23, 2008

Revised date: July 8, 2008; July 7, 2009; July 7, 2010; August 31, 2010; May 14, 2014; April 13, 2016; ***July 11, 2018***

**OTSEGO NORTHERN CATSKILLS BOCES
CODE OF CONDUCT**

#5300

OTSEGO NORTHERN CATSKILLS BOCES

CODE OF CONDUCT

TABLE OF CONTENTS

- I. Introduction**
- II. Definitions**
- III. Student Rights and Responsibilities**
- IV. Essential Partners**
- V. Student Dress Code**
- VI. Prohibited Student Conduct, Disciplinary Procedures, Penalties, and Referrals**
- VII. Emergency Plans**
- VIII. Reporting Violations**
- IX. Discipline of Students with Disabilities**
- X. Corporal Punishment**
- XI. Student Searches and Interrogations**
- XII. Visitors to Schools**
- XIII. Public Conduct on School Property**
- XIV. Dissemination and Review**

CODE OF CONDUCT

I. INTRODUCTION

The Board of Education endeavors to provide a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

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

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

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

II. DEFINITIONS

For purposes of this code, the following definitions apply.

"Cyberbullying" means harassment/bullying, as defined in Harassment/ Bullying section below, through any form of electronic communication on school property, including at school functions, by any student and/or employee. Cyberbullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phone, gaming systems and social media websites, to deliberately harass or threaten others.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to: race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, physical appearance, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided , however, that in all provisions of this article dealing with employment, the term must be limited to the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law § 11[4] and Executive Law §292[21])

“Discrimination” against any student by a student or students and/or employee or employees on school property or at a school function in including, but not limited to , discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

“Disruptive Behavior” means a deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Emotional harm” takes place in the context of **“harassment or bullying,”** means harm to a student’s emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education.

“Employee” means that any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§11[4] and 1125[3])

“Gender” means a person’s actual or perceived sex and includes a person’s gender identity or expression (Education Law § 11[6])

“Harassment/bullying” is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law § 11(8) that,

- a) 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; or
- b) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student;

- d) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition, the term **“threats, intimidation or abuse”** shall include verbal and non-verbal actions. (Education Law § 11[7])

“Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

“ISS” means In School Suspension.

“OSS” means Out of School Suspension

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

“SAVE” means Safe Schools Against Violence in Education – New York State's violence prevention legislation.

“School Bus” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law § 11[1] and Vehicle and Traffic Law § 142)

"School function" means any school-sponsored extra-curricular event, activity, or field trip on or off campus.

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law § 11[5]).

"School property" means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.

“VADIR” means Violent and Disruptive Incident Reporting – New York State Education uniform reporting system for violent incidents.

"Violent student" means a student under the age of 21 who:

- 1. Commits an act of violence upon a school employee, or attempts to do so.**
- 2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.**
- 3. Possesses, while on school property or at a school function, a weapon.**

4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act.

It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, object, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district endeavors to safeguard the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
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.
3. Access school rules and, when necessary, receive an explanation of those rules from school personnel.

B. Student Responsibilities

All district 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 policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn, comply with the attendance policy previously established by the Otsego Northern Catskills BOCES.
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, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to control their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems that might lead to discipline.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.

IV. ESSENTIAL PARTNERS

The Otsego Northern Catskills BOCES Board of Education recognizes that parents, teachers, guidance counselors, principals, administration, and the board play active and important roles in implementing this code.

V. STUDENT DRESS CODE

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district 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.
2. Recognize that extremely brief garments such as tube tops, crop tops, net tops, halter tops, spaghetti straps, plunging necklines (front and/or back) and see-through garments are not appropriate.
3. Recognize that skirts and shorts shorter than fingertip length are not appropriate.
4. Ensure that underwear is completely covered with outer clothing.
5. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
6. Permit the wearing of hats in the buildings while respecting the decisions of instructors as to whether hats are permitted in their classrooms.
7. Not include items that are vulgar, obscene, libelous, or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.
8. Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.
9. Be appropriate as required by the student's program to include uniforms, smocks, specific shoes or protective clothing and accessories.

Each Building Principal or his/her designee(s) 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 by the Board of Education.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall 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.

VI. PROHIBITED STUDENT CONDUCT (See student discipline chart below)

OTSEGO NORTHERN CATSKILLS BOCES STUDENT DISCIPLINE CHART

The following chart applies to students' conduct concerning any school functions, including but not limited to those off campus, i.e. field trips, conferences, and competitions.

Administrators at the ONC BOCES retain discretion to reduce or augment the recommended penalties enumerated below if mitigating or exacerbating factors and/or the student's anecdotal record of prior offenses warrant the consideration.

It is impossible to identify all types of offenses and penalties. If a student is insubordinate or disorderly in a manner not specifically enumerated below, it will be treated within the context of the overall policy. Reference may be made to Education Law §2801.

For categories of conduct that may constitute a violation of law, a misdemeanor or a felony, it is recommended that the elements of the conduct be discussed with a member of the Department of Social Services/Sheriff's Department Special Investigations Unit or another law enforcement member. The school may have the option to press criminal charges and contact with the Special Investigations Unit will allow them to understand what those options are.

All penalties are considered possible penalties and are imposed at the discretion of ONC BOCES administrators. The range of penalties may include, but are not limited to:

1. Oral warning
2. Written warning
3. Verbal or written notification to parent
4. Lunch detention
5. Suspension from social or extracurricular activities
6. Parent conference
7. Suspension of other privileges
8. In-school suspension
9. Removal from classroom by teacher
10. Suspension from school
11. Permanent suspension from BOCES
12. Parent conference

13. Peer support group
14. Restitution and restoration
15. Changes in class schedule
16. Corrective instruction or other relevant learning or service experience
17. Student counseling
18. Supportive intervention and/or mediation
19. Behavioral assessment or evaluation
20. Behavioral management plan, with benchmarks that are closely monitored
21. Student treatment or therapy
22. Adult Mentor
23. Reflective Writing Activity

OFFENSE	1 ST INSTANCE	2 ND INSTANCE	3 RD OR GREATER INSTANCE
LEVEL 1 OFFENSES			
Cheating in Class/on Exams	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff may handle; Component School contact; Parent contact; Administrator referral; ISS	Administrator referral; Component School contact; Parent contact; ISS/OSS; Subsequent offenses treated as repeated insubordination
Display or Use of Personal Electronic Devices	<i>Display or use of personal electronic devices, including but not limited to, cell phones, iPods, digital cameras, are prohibited during school hours. Electronic devices must be turned off at all times.</i>		
	Teacher/Staff handles; Verbal warning; Student/teacher conference	Administrator referral; ISS; electronic device will be confiscated by Administration until end of day	Administrator referral, ISS/OSS; Subsequent offenses treated as repeated insubordination; electronic device will be confiscated by Administration until Parent pickup
Disruptive Behavior	<i>A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.</i>		
	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact; Administrator referral	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination

Dress Code Violation	<i>Dress, grooming and appearance must be safe, appropriate and not disrupt or interfere with the educational process. The intent of the dress code is to foster an environment that is sanitary, safe and conducive to teaching and student learning. It is also intended to provide guidance to prepare students for their role in the work place and society.</i>		
	Teacher/Staff handles; verbal warning; Student/teacher conference; Parent contact; Change of clothing	Administrator referral; verbal warning; Parent contact; Component School contact; ISS; Change of clothing	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Excessive display of affection	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact; Administrator referral	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Gambling	Teacher/Staff handles; Verbal warning; Student/teacher conference; Parent Contact	Administrator referral; Verbal warning; Parent contact; Component School contact; ISS	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Profanity/Abusive Language	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Administrator referral; OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Tardiness to school or class	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact	Administrator referral; Parent phone contact; Parent written Notification; Subsequent offenses treated as repeated insubordination
Truancy	<i>Missing school without a legal excuse</i>		
	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher or staff may handle; Component School contact; Parent contact; Administrator referral; ISS	Administrator referral; Component School contact; Parent contact; ISS; Subsequent offenses treated as repeated insubordination

Wandering	Teacher/Staff handles; Verbal warning; Student/teacher conference	Teacher/Staff handles; Student/teacher conference; Parent phone contact	Administrator referral; One day ISS; Parent contact; Subsequent offenses treated as repeated insubordination
------------------	--	--	--

OFFENSE	1ST INSTANCE	2ND INSTANCE	3RD OR GREATER INSTANCE
----------------	------------------------------------	------------------------------------	---

LEVEL 2 OFFENSES

Cutting Class	<i>Missing or skipping a class</i>		
	Administrator referral; verbal warning; Parent contact	Administrator referral; verbal warning; Parent contact; Component School contact; ISS	Administrator referral; ISS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Driving/Riding without a permit	Administrator referral; Returned to Component School on Component School bus; ISS; Loss of driving privileges; Parent contact	Administrator referral; Returned to Component School on Component School bus; ISS; Loss of driving privileges; Parent contact	Administrator referral; Returned to Component School on Component School bus; ISS/OSS; Loss of driving privileges; Parent contact; Subsequent offenses treated as repeated insubordination
Forging Notes	Administrator referral; ISS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; Component School contact; Parent contact; ISS/OSS; Subsequent offenses treated as repeated insubordination
Inappropriate Computer Usage	Teacher/Staff handles; verbal warning, Student/teacher conference; Administrator referral; Loss of computer privileges, ISS/OSS; Notification of law enforcement	Teacher/Staff handles; verbal warning, Student/teacher conference; Administrator referral; Loss of computer privileges, ISS/OSS; Notification of law enforcement	Administrator referral; Complete loss of computer privileges; ISS/OSS; Notification of law enforcement; Subsequent offenses treated as repeated insubordination
Insubordination	<i>Refusing to follow a staff member's direction; talking back; being deliberately or socially rude, expressed disrespect toward any BOCES employee, or becoming argumentative with any BOCES employee.</i>		
	Teacher/Staff may handle; Verbal warning,	Teacher/Staff may handle; Verbal warning,	Administrator referral; ISS/OSS; Component

	Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS; Removal from program	School contact; Parent contact and/or conference; Removal from program
*Minor Altercation	<i>Involving physical contact and no physical injury. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.</i>		
	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Profanity/Abusive Language directed at staff	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS	Teacher/Staff may handle; Verbal warning, Student/teacher conference; Parent contact; Administrator referral; Component School contact; ISS/ OSS;	Administrator referral; OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
Possession, Use, and/or Distribution of Tobacco on School Grounds or During School Function	Administrator referral; ISS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS, Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination

OFFENSE	1 ST INSTANCE	2 ND INSTANCE	3 RD OR GREATER INSTANCE
LEVEL 3 OFFENSES			
*Criminal Mischief	<i>Intentional or reckless damaging of the property of the school or of another person, including, but not limited to, vandalism and the defacing of property</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program

Dangerous Action	<i>Any action that is considered dangerous or unsafe, but does not meet the criteria of other offenses.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination
*Intimidation, Harassment, Menacing, Bullying / Cyber- Bullying	Harassment/bullying is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber bullying as defined in Education Law § 11(8). <i>See further definitions in CODE OF CONDUCT DEFINITIONS/EXPLANATIONS section.</i>		
	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Supportive intervention	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Change in class schedule; Supportive intervention; Behavioral assessment or evaluation; Behavioral management plan; student counseling; Student treatment or therapy; Removal from program	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution and restoration; Peer support group; Corrective instruction; Change in class schedule; Supportive intervention; Behavioral assessment or evaluation; Behavioral management plan; student counseling; Student treatment or therapy; Removal from program
*Larceny or Other Theft Offenses	<i>Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.</i>		
	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution/payment	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Restitution/payment	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Restitution/payment; Removal from program
Leaving School Grounds without written consent or ONC BOCES permission	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program

Possession of drug paraphernalia	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; ISS/OSS	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program
Possessing or Distributing Pornographic Material	Administrator referral; Component School contact; Parent contact; ISS/OSS; Notification of law enforcement; Removal from program	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Removal from program	Administrator referral; Component School contact; Parent contact; OSS; Notification of law enforcement; Removal from program
*Reckless Endangerment	<i>Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact	Administrator referral; ISS/OSS; Component School contact; Parent contact; Subsequent offenses treated as repeated insubordination

OFFENSE	1 ST INSTANCE	2 ND INSTANCE	3 RD OR GREATER INSTANCE
LEVEL 4 OFFENSES			
*Assault with Physical Injury	<i>Intentionally or recklessly causing physical injury to another person</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
*Assault with Serious Physical Injury	<i>Intentionally or recklessly causing serious physical injury to another person</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
*False Alarm	<i>Falsely activating a fire alarm or other disaster alarm</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
*Possession, Use, Distribution of Weapon	<i>Bringing a weapon or possessing a weapon at school, which may include a pocket, pen or other knives, look alike fake weapons, or other devices, instruments, materials or substances ("Other Items") that can cause physical injury or death when used to cause physical injury or death or, when such Other Items are brandished as a weapon.</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program

* Possession, Use, Sale, Distribution of Drugs or Alcohol	<i>Illegally using or possessing alcohol or a controlled substance on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol or a controlled substance, including look-alikes, and prescription or over-the-counter drugs when possession is unauthorized or such are inappropriately used or shared with others. A student shall be considered "under the influence" if he or she has consumed an illegal substance or alcohol within a time period reasonably approximate to his/her presence on school property, on a school bus, in a school vehicle, or at a school-sponsored function.</i>		
	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program	Administrator referral; Component School contact; Parent contact; Notification of law enforcement; OSS; Removal from program
*Sexual Offenses	<i>Voluntary or forcible inappropriate sexual contact</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
Violent Student	<i>Any action by a student that is violent in nature, but does not meet the criteria of the other offenses.</i>		
	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; ISS/OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program
*Arson *Bomb Threat *Homicide *Kidnapping *Burglary *Robbery	<i>Deliberately starting a fire.</i> <i>A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been placed on school property.</i> <i>Any conduct that results in the death of another person</i> <i>To abduct a person so as to restrain such person with intent to prevent his or her liberation</i> <i>Entering or remaining unlawfully on school property with intent to commit a crime.</i> <i>Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.</i>		
	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program	Administrator referral; OSS; Component School contact; Parent contact; Notification of law enforcement; Removal from program

***VADIR Category**

STUDENT DISCIPLINE CHART DEFINITIONS/EXPLANATIONS

Term	Definition/Explanation
Cyber Bullying	Cyber bullying means harassment/bullying, as defined in Harassment/Bullying section below, through any form of electronic communication on school property, including at school functions, by any student and/or employee. Cyber bullying may include, among other things, the use, both on and off school property, of electronic technology, including, but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to: race, color, weight, height, national origin, ethnic group, religion, religious practice, disability, physical appearance, sex, sexual orientation, gender (which includes a person's actual or perceived sex, as well as gender identity and expression).
Disability	Disability means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided , however, that in all provisions of this article dealing with employment, the term must be limited to the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law § 11[4] and Executive Law §292[21])
Discrimination	Discrimination against any student by a student or students and/or employee or employees on school property or at a school function in including, but not limited to , discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
Disruptive Behavior	A deliberate action that negatively affects the education of others; a behavior which causes an interruption in a class activity.
Disruptive Student	A secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
Emotional Harm	Emotional harm takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
Employee	Employee means that any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title 9-B of article 5 of the Social Services Law and consistent with the provisions of such title for the provision of services to such district, its students or

	employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§11[4] and 1125[3])
Gender	Gender means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law § 11[6])
Harassment/Bullying	<p>Harassment/bullying is the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law § 11(8) that,</p> <ul style="list-style-type: none"> e) 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; or f) Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or g) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; h) Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. <p>For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law § 11[7])</p>
Hazing	Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
ISS	In School Suspension
OSS	Out of School Suspension
Parent	A Parent, guardian or person in Parental relation to a student.
SAVE	Safe Schools Against Violence in Education – New York State's violence prevention legislation
School function	Any school sponsored extra-curricular event, activity, or field trip on or off campus.
School property	Any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142.
School Bus	School Bus means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children or pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law § 11[1] and Vehicle and Traffic Law § 142)

Sexual Orientation	Sexual Orientation means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law § 11[5]).
*VADIR	Violent and Disruptive Incident Reporting – New York State Education uniform reporting system for violent incidents

REPORTING DISCRIMINATION, HARRASSMENT AND BULLYING

Dignity Act Coordinator: 286-7715 (OAOC), 588-6291(NCOC)

- School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two school days after making an oral report.
- The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports.
- When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.
- The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.
- The principal shall provide a regular report, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination to the superintendent.
- Pursuant to Education Law Section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

SAVE PROVISIONS AND DUE PROCESS:

1. Under Education Law SAVE, teachers may remove "substantially disruptive" students by filling out a discipline referral form. Staff (LTA) may refer under SAVE through their teacher; for direct referral, they and others must refer to the administration again by filling out a discipline referral form. In all instances, common sense and good judgment should be the rule. In many circumstances, teachers and staff can diffuse the situation. In general, teachers are expected to maintain home contacts with potentially problematic students to promote good communication. If a teacher puts a student out of class under the SAVE provisions, the teacher is expected to make an attempt to call home and follow up with a letter.

2. Under SAVE, the Principal conducts a review of the incident within 24 hours and must find substantial evidence to overturn the action.
3. Four referrals to the office under SAVE must result in removal from program.
4. Refer to Education Law §2801.

VII. EMERGENCY PLANS

In conformance with Section 155.17 of the Commissioner's Regulations, school safety plans have been developed by representative committees at the buildings in the BOCES. They are on file in the district superintendent's office and conform to the requirements in the regulation in conjunction with the student code of conduct in this regulation and hereby incorporated into this regulation.

VIII. REPORTING VIOLATIONS

All violations will be reported online through the Classmate student management system.

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

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

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

Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply:

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement 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 placement that 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 District (BOCES) Superintendent of Schools or a Principal may order the placement of a student with a disability into 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 into an IAES, another setting or suspension for up to ten consecutive school days, 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 non-disabled students would be subject to suspension for the same behavior.

c. The Superintendent may order additional suspensions of not more than ten 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 to be determined by the committee on special education (CSE), 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 a weapon to school or, possesses one in school, or carries a weapon to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

- (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length."
- (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
- (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting

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 ten consecutive school days; or
 - b. for a period of ten 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 ten 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. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the 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, illegal drugs or controlled substances.

Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments 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 ten 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, illegal drugs or controlled substances. If subsequently, 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 ten school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.
 - b. 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, illegal drugs or controlled substances or because maintaining the student in his 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 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. 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 had knowledge the student was a student with a disability, the district either:
 - (1) conducted an individual evaluation and determined that the student is not a student with a disability, or
 - (2) determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures 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 federal and state law and regulations. 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 by the district, which can include suspension.

3. The district 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, illegal drugs or controlled substances or because maintaining the student in his/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 shall accompany the notice of disciplinary removal.

4. The parents of a student with a disability subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with a disability subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten 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.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, 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.
 - 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.
 - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or 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.
- (2) 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.
2. 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 IDEA and its implementing regulations:

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

X. CORPORAL PUNISHMENT

- A. Corporal Punishment: any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.
- B. Physical Force: in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:
1. Protect oneself, another student, teacher or any person from physical injury.
 2. Protect the property of the school or others.
 3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment and physical force with the Commissioner of Education in accordance with Commissioner's regulations.

XI. STUDENT INTERROGATIONS AND SEARCHES

The Board of Education endeavors to provide an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the BOCES code of conduct. Students are not entitled to any sort of "Miranda"- type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse and BOCES security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school administrator 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 the school official has a legitimate reason for the very limited search.

The rules in this code regarding searches of students and their personal belongings do not apply to student lockers, desks, and other school storage places which are school property. School property may be searched at any time by school officials, without prior notice to students and without their consent.

Scent dogs may be used to assist in a search on school property. When scent dogs are used, searches will be conducted in accordance with the rules and regulations of the police agency conducting the search. Police canine assets will be employed from time to time to conduct searches on the BOCES premises. These searches will be undertaken to deter crime, remove contraband from campus, and enhance the safety and security of our students, faculty, staff and visitors.

ONC BOCES reserves the right to conduct searches of vehicles parked on school property.

Police Involvement in Searches and Interrogations of Students

District officials are 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 in schools 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:

- a) A search or an arrest warrant; or
- b) Probable cause to believe a crime has been committed on school property or at a school function; or

Before police officials are permitted to question or search any student, the Building Principal or his/her designee 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 the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

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 BOCES will provide data and assistance to local child protective services workers or members of a multi-disciplinary team accompanying such workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Building Principal or his/her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the BOCES' procedures for visitors, provide identification, and identify the child(ren) to be interviewed. The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

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 not 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.

XII. VISITORS TO THE SCHOOLS

The Board encourages parents and other district citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

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 office of the Principal upon arrival at the school.

There 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 in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.

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 the classroom teacher(s).
5. Teachers shall not take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property must be reported by any person to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors must abide by the rules for public conduct on school property contained in this code of conduct.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

The district endeavors to provide an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district 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 district 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 they are on school property.

A. Penalties

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

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection and criminal charges for trespassing may be lodged.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

B. Enforcement

The Principal or his/her designee(s) shall be responsible for enforcing the conduct required by this code.

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

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

XIV. DISSEMINATION AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students.
2. Making copies of the code available to all parents at the beginning of the school year.
3. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

The ONC BOCES has a Non-Fraternization Policy (9150). A summary is provided in the Student Handbook. The complete Non-Fraternization Policy (9150) can be found on the ONC BOCES website at – <http://www.oncboces.org> BOARD OF ED, Board Policy Manual.

The ONC BOCES will maintain a copy of the current Code of Conduct at its website: www.oncboces.org

The Board will review this code of conduct 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.

Adopted by the BOCES Board: July 23, 2001

Revised: August 26, 2002, August 25, 2003, May 24, 2005, January 23, 2008, April 30, 2008, June 22, 2010; August 22, 2012; July 10, 2013; July 15, 2014; August 24, 2016; July 12, 2017; February 14, 2018; *July 11, 2018*