

POLICY	5310 Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies
---------------	---

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The following bylaw is enacted in accordance with Education Law Sections 12, 2801 and the Regulations of the Commissioner of Education, Section 100.2(1). A student Bill of rights and Responsibilities and a discipline code with a range of penalties shall be publicized, provided to parents in writing, and explained to all students on an annual basis.

Section 1- Students' Rights and Responsibilities

Greater Southern Tier BOCES' students have all the rights afforded them by federal and state constitutions, statutes and regulations. The BOCES reminds students that certain responsibilities accompany these rights.

It shall be the right of each student:

1. to have a safe, healthy, orderly and courteous school environment;
2. to take part in all district activities on an equal basis regardless of race, sex, religion, national origin, or disability;
3. to attend school and participate in school programs unless suspended from instruction and participation for legally sufficient cause as determined in accordance with due process of law;
4. to have school rules and conditions available for review and, when necessary, explanation by school personnel;
5. to be suspended from instruction only after his/her rights pursuant to Education Law 3214 have been observed;
6. in all disciplinary matters to have the opportunity to present his/her version of the facts and circumstances leading to imposition of disciplinary sanctions to the professional staff member imposing such sanction;

It shall be the responsibility of each student:

1. to be familiar with and abide by all district policies, rules and regulations pertaining to student conduct;
2. to work to the best of his/her ability in all educational and extracurricular pursuits and strive toward the highest level of achievement possible;

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

3. when participating in or attending school sponsored extracurricular events, to behave as a representative of the district and hold himself/herself to the highest standards of conduct, demeanor, and sportsmanship, and accept responsibility for his/her actions;
4. to seek help in solving problems that might lead to disciplinary procedures;
5. to be in regular attendance at school and in class;
6. to contribute to an orderly, learning-centered environment, and to show due respect for other persons and for property.

Section 2 – Discipline Code for Student Behavior

Students are expected to uphold the following principles: learning and teaching are important and should not be disrupted; all students, faculty, and staff have a right to a safe, healthy, and orderly environment, and these rights shall not be violated; and respect shall be shown toward all students, faculty, staff, and guests.

Therefore, students are expected to follow these rules:

1. No endangering of self or others.
2. No use, possession of, or being under the influence of controlled drugs, alcohol, or tobacco products. An exception is drugs prescribed by a physician.
3. No fighting.
4. No theft or abuse of property of others.
5. No leaving campus or assigned areas without permission of campus administration, faculty, or staff.
6. No disruption of learning process.
7. No profane, vulgar, or abusive language.
8. No disrespect toward others.
9. No cheating.
10. No driving to and from campus or riding with a student without an approved permit.
11. No insubordination toward administration, faculty, and staff.
12. No weapons on campus.
13. No harassment of other students as prohibited by the Anti-Bullying Policy (5360).

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

14. No discrimination against other students based on the other student’s race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex as prohibited by the Anti-Bullying Policy (5360).

Section 3 – Range of Penalties

The type and extent of punishment shall be determined by the Campus Principal. Such disciplinary measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. The goal is that each situation be handled with fairness, while not necessarily with equality because each situation and student has different circumstances. Any suspension from attendance upon instruction may be imposed only in accordance with Education Law Section 3214(3), and in cooperation with the component school administration.

Responses by administration and staff shall include an emphasis on learning and the broad concept of restitution by a student for mistakes made.

The range of consequences for misconduct includes, but is not limited to the following:

For illegal offenses, police will be called.

Parents will be notified of misbehaviors and will be involved in a restitution plan whenever possible.

Alternative instruction, segregated from a student’s regular program, may be assigned.

In cooperation with the student’s component school, a student may be suspended up to five days from school.

Referral to professional staff or outside agencies may be suggested for assistance with personal problems or the development of a restitution plan. Acceptance of assistance with personal problems cannot be required.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

Reassignment to a different program.

Community service may be suggested, but not required, as punishment or as part of a student's restitution for misbehavior. (This does not preclude community service as part of a student's instructional program.)

Apologies may be suggested.

Conferences may be convened to include whichever of the following is necessary: the teacher, parent, student, administration, and others.

Section 4 – Role of Teachers, Administrators, Board, Parents, and Employees

All employees are expected to support the discipline system, including the reporting of student misbehaviors.

Teachers, administrators, Board members and parents each have a further role in the discipline code. The teacher shall report all violations of the code to the teacher's administrator. The teacher should be aware of the provisions of the code and, if in doubt regarding the code, explanations should be sought from the teacher's administrator. Teachers are expected to interpret the code for students and to give a consistent interpretation of the code. Teachers shall communicate with parents regarding serious or continuing classroom discipline problems.

Administrators have first line responsibility to ensure that the code is followed and enforced. Administrators shall conduct the appropriate investigation to determine if the code had been violated and, if violated, shall act in accordance with this by-law and the laws applicable to the situation. The administrator shall interpret the code for staff members and, where advisable, request the assistance of the faculty, BOCES employees, students and parents of the student.

Parents are requested to give assistance to the teaching staff and administration in administering the code when requested. Parents should be aware of the code.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

The Board, upon considering recommendations from the District Superintendent, shall advise the District Superintendent of any suggested changes in the code and community feelings regarding the code. The Board shall review and revise this policy as required by Commissioner’s Regulations.

Section 5 – Publication and Explanation

The rights and responsibilities of students (Section 1), the discipline code (Section 2) and the range of penalties (Section 3) shall be publicized and explained to students and provided in writing to all parents on an annual basis. The timing of the explanation and the manner of publication shall be determined by the District Superintendent. Each year, the District Superintendent shall advise the Board in writing of the manner and extent of the publication and explanation.

Section 6 – Strategies and Procedures for the Maintenance and Enforcement of Public Order on School Property

Purpose

The following rules and regulations are adopted for the maintenance of public order on District property and provide a program for enforcement thereof in accordance with Section 2801 of the Education Law.

Prohibited Conduct

No person, either singly or in concert with others, shall:

- a) Willfully cause physical injury to any other person, or threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he/she has a lawful right to do, or to do any act which he/she has a lawful right not to do.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

- b) Physically restrain or detain any other person, or remove such person from any place where he/she is authorized to remain.
- c) Willfully damage or destroy property of the District, or remove or use such property without authorization.
- d) Without permission, enter into any private office of an administrative officer, faculty member or staff member.
- e) Other than student, employee or Board members, enter a classroom or the building beyond the administrative office without permission of the Campus Principal or his/her designee.
- f) Enter upon and remain in any building or facility for any purpose other than for authorized uses, or in such manner as to obstruct its authorized use by others.
- g) Without authorization, remain in any building or facility after it is normally closed.
- h) Refuse to leave any building or facility after being requested to do so by an authorized administrator or his/her designee.
- i) Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- j) Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings, or deliberately interfere with any person who desires to express his/her views, including invited speakers.
- k) Have in his/her possession upon any premises to which these rules apply, a knife, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the District superintendent, whether or not a license to possess the same has been issued to such person.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

- l) Possess, consume or exchange alcoholic beverages, controlled drugs or narcotics on school properties.
- m) Distribute or post any written material, pamphlet or poster without the prior approval of the Campus Principal or his/her designee.
- n) Urge or incite others to commit any of the acts herein prohibited.
- o) Harass a BOCES student on BOCES property or at BOCES functions in violation of the Anti-Bullying Policy (5360).
- p) Discriminate against a BOCES student based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex on BOCES property or at a BOCES function in violation of the Anti-Bullying Policy (5360).

Penalties

A person who shall violate any of the provisions of these rules shall:

- a) If he/she is a licensee or invitee, have his/her authorization to remain upon the District property withdrawn, and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection.
- b) If he/she is a trespasser or visitor without specific license or invitation, be subject to ejection.
- c) If he/she is a student, be subject to suspension or such lesser disciplinary action as the facts of the case may warrant.
- d) If he/she is a BOCES employee, be guilty of misconduct and be subject to dismissal or termination of his/her employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

Procedure

In the case of a violation of this Section:

- a) The District Superintendent or designee shall inform any licensee or invitee, who shall violate any provision of these rules, that his/her license or invitation is withdrawn and shall direct him/her to leave the BOCES grounds. In the event of his/her failure or refusal to do so, the District Superintendent or designee shall cause his/her ejection from such property.
- b) In the case of any other violator who is neither a student nor faculty nor other staff member, the District superintendent or designee shall inform the violator that he/she is not authorized to remain on the property of the District, and direct him/her to leave such premises. In the event of his/her failure or refusal to do so, the District Superintendent or designee shall cause his/her ejection from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation, or to affect his/her liability to prosecution for trespassing or loitering as prescribed in the Penal Law.
- c) In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner provided in Section 3214(3) of the Education Law.
- d) In the case of a BOCES employee having tenure or permanent status, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with the contractual agreement between the bargaining unit and the District Superintendent, Education Law section 3020-a, or Civil Service Law Section 75, as applicable.
- e) In the case of a BOCES employee not having tenure or permanent status, the District Superintendent shall conduct an investigation and shall determine the punishment of such employee if found guilty.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

Enforcement Program

The responsibility for enforcement is as follows:

- a) The District Superintendent shall be responsible for the enforcement of these rules, and he/she shall designate other administrative officers who are authorized to take action in accordance with such rules when required or appropriate.
- b) The District Superintendent or designee may apply to the public authorities for any aid which he/she deems necessary in causing ejection of any violator of these rules, and he/she may request the school attorney to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.

Application of Rules

These rules shall apply to all buildings and grounds of the BOCES and shall govern the conduct of students, teachers, staff members, as well as visitors and other licensees and invitees.

Definition of Terms

A “licensee” is defined as a person who enters the property of the school district for such person’s own interests, without express or implied invitation (as invitee).

An “invitee” is a person who enters the property of the school district with express or implied permission by someone who is authorized by the school district to give such permission.

Section 7 – Procedure in the Early Identification and Resolution of Discipline Problems

Pupil service personnel, administrators, teachers and others shall report students who are having problems or appear to be having problems regarding matters covered in the discipline code to the Campus Principal. Parents also are invited to advise the Campus Principal of concerns the parents may have regarding their children pertaining to the discipline code.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

Students are expected to report to teachers or to the Campus administrator any student who appears to be having discipline problems. Students are expected to cooperate in any conference regarding the discipline of that student.

When the Superintendent or building principal is aware of, or has received a report from pupil service personnel, administrators, teachers, students or parents, the Campus Principal shall conduct whatever inquiry the Campus Principal considers appropriate.

If the Campus Principal, after such inquiry, considers there is a basis for concern, the Campus principal shall arrange to have a meeting with the parents and appropriate staff members to review the matter and create a plan to resolve the discipline problems.

The purpose of the procedure is to identify early possible problems and to resolve these disciplinary problems. The BOCES shall assign such support personnel to assist the parties, considering the resources available at any given time.

Section 8 – Classified Students

If the student who is under review according to the provisions of Section 7 or if a student who has violated the disciplinary code is a student who has been identified as having a disability, the matter shall be handled in collaboration with the administrator supervising the student’s special education program.

If the conduct is the result of the disability, the Campus Principal shall recommend to the component school a review and modification, if appropriate, of the student’s IEP.

Section 9 – Alternative Educational Programs

The BOCES has the following alternative educational programs available:

- ◆ Academic instruction in a segregated classroom.
- ◆ Home tutoring in cooperation with the home school.

POLICY	5310
	Adopted: August 22, 2006 Revised: February 1, 2011 Student Policies

SUBJECT: SCHOOL CONDUCT AND DISCIPLINE

Section 10 – Guidelines and Programs for In-Service Educational Programs

The Campus Principals shall solicit the recommendations of the teaching staff and administrators regarding in-service programs pertaining to the management and discipline of students. The Board then shall sponsor such in-service programs as determined by the administration and as may be appropriate, considering the various programs that have been previously offered or that may be offered in the future. These programs may be conducted after school hours or may be given during a Superintendent’s Conference Day. Such programs may be offered separately or in conjunction with other school districts. Where appropriate, individual staff members may be sent to other programs outside of the BOCES and these individuals may, thereafter, conduct appropriate in-service programs for members of the staff.

Section 11 – Bus Conduct

Unacceptable behavior on a school bus is the responsibility of the component school. BOCES administrators will assist component administrators with communication and immediate handling of urgent bus issues as needed.

Cross Reference: Anti-Bullying Policy (5360)

Reference: New York Education Law Article 2
New York Education Law section 2801
Commissioner’s Regulation section 100.2(1)