

POLICY

5312

Adopted: August 22, 2006

Revised: March 5, 2019

Student Policies

SUBJECT: PROHIBITED STUDENT CONDUCT

A student of the Greater Southern Tier BOCES shall be subject to disciplinary action in relation to the following:

- (a) Being under the influence of an alcoholic beverage, drinking an alcoholic beverage or in possession of an alcoholic beverage on school premises (including buildings or grounds) or on a bus going to or from a school function or a school-sponsored function. Alcoholic beverages shall mean and include alcohol, spirits, liquor, wine, beer and cider having alcoholic content.
- (b) The use, possession, sale or gift of any drug, controlled substance, or drug facsimile, including marijuana or any instruments for the use of such drugs, controlled substance or marijuana, such as a pipe, syringe or other paraphernalia, while on school premises (including buildings or grounds) or on a bus going to or from a school function or school-sponsored function. Excepted is any drug taken in accordance with a current prescription signed by a physician, which is to be taken by the particular student at the time in question, under the direction of the health office.
- (c) Inappropriately using or sharing prescription and over-the-counter drugs.
- (d) Stealing, lying, cheating, plagiarism or other acts of dishonesty.
- (e) Bringing articles to school that are hazardous to the safety of others or interfere with the learning process, e.g., playthings and electronic devices.
- (f) Gambling.
- (g) Verbal or physical intimidation.
- (h) Fighting or causing physical harm to another.
- (i) Disrespect toward a faculty member.
- (j) Possession or use of a weapon, which constitutes a firearm or destructive device, on school premises. School premises include school grounds, school buildings, or a school bus.

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- (k) Possession or use of knives or other weapons not included in section (j) on school premises. School premises include school grounds, school buildings, or a school bus.
- (l) Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
- (m) Failure to comply with the directions of a teacher, administrator or other school employee.
- (n) Engaging in acts of sexual harassment, as defined in the district's sexual harassment policy.
- (o) Using in either words, clothing, or signs, profane, lewd, vulgar, abusive language, or words which may incite or offend another person.
- (p) Selling, using or possessing obscene material.
- (q) Indecent exposure; that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
- (r) Lateness for, missing or leaving school or class without permission, or an excuse from a faculty member.
- (s) Any willful act which disrupts the normal operation of the school community.
- (t) Possessing or smoking a cigarette, cigar, pipe, electronic cigarette or vapor ("vaping") instrument, or possessing or using chewing or smokeless tobacco or electronic cigarette/vapor "vaping" implements (including pods for such implements) on school premises (including buildings or grounds), or on a bus going to or from a school function or a school-sponsored function.
- (u) Disrupting the educational process.
- (v) Interfering with the teacher's authority over the classroom.
- (w) Acting as a violent student.

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- (x) Vandalizing school property or the property of another student or staff member.
- (y) Violating the civil rights of another student.
- (z) Violating the district's dress code.

The range of penalties which may be imposed for the conduct set forth above is:

- (1) verbal warning;
- (2) written warning;
- (3) written notification to parent;
- (4) counseling;
- (5) probation;
- (6) reprimand;
- (7) detention;
- (8) in-school suspension, Community Planning Room, or Time-out room
- (9) suspension from transportation;
- (10) suspension from athletic participation;
- (11) suspension from social or extracurricular activities;
- (12) suspension of other privileges;
- (13) exclusion from a particular class;
- (14) involuntary transfer;
- (15) suspension upon instruction;
- (16) restitution; or
- (17) arrest.

When the student repeatedly is substantially disruptive of the educational process (u) or substantially interferes with the teacher's authority over the classroom (v), or is violent (w), the minimum period is suspension upon instruction for five school days, as well as suspension from athletic participation and social or extracurricular activities for the period of suspension upon instruction. The suspending authority may reduce the period of suspension as specified in this paragraph for good cause shown, on a case-by-case basis, in a manner consistent with state or federal law.

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Any suspension from attendance upon instruction for violation of any section may be imposed only in accordance with Education Law § 3214(3).

The type and extent of punishment for violations of all sections, except section (j) and beyond the minimum in relation to sections (u), (v), and (w), shall be determined by the building principal or superintendent. Disciplinary measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student.

In accordance with the Gun-Free Schools Law (20 U.S.C.A. § 3351), the Gun-Free Schools Act of 1994 (20 U.S.C.A. § 8921), New York State Education Law § 3214 (3), and Board policy, the punishment for violation of Section (j) shall be a suspension from attendance upon instruction for a period of not less than one calendar year, unless the superintendent shall determine to modify such punishment. The superintendent's determination shall be on a case-by-case basis.

The term "weapon" as used in section (j) 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, bow and arrow, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death.

Consequences for those found in possession of weapons will be to:

1. confiscate substances or devices;
2. notify parents;
3. notify home school district;
4. suspend student;
5. notify District Superintendent and,
6. contact police department.

The District Superintendent shall refer a student who has been determined to have violated section (j) as follows:

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- a) If the student is under 16 years of age, to the Family Court in accordance with the Family Court Act, Article 3.
- b) If the student is 16 years of age or older, to the appropriate law enforcement agency.

Any student who is currently serving a suspension for the possession of a weapon, as delineated by the Gun-Free Schools Act of 1994, will not be accepted into any GST BOCES program.

The term “violent student” is defined as follows:

An elementary or secondary student under twenty-one years of age who:

1. commits an act of violence upon a teacher, administrator or other school employee;
2. commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;
3. possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
4. displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;
5. threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
6. knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
7. knowingly and intentionally damages or destroys school district property.

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The term “disruptive student” is defined as:

An elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

A teacher may remove a disruptive student from the classroom for a period not to exceed two class days in relation to (u) or (v).

School property or school premises means in or within any BOCES-owned or leased building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the schools of the district, or in or on a school bus.

A school function shall mean a school-sponsored, extra-curricular event or activity.