

Board Policy

Code of Conduct

The Board has adopted and shall amend, as appropriate, a written Code of Conduct for the maintenance of order on Eastern Suffolk BOCES Property and at ESBOCES functions, which shall govern the conduct of students, teachers, and other ESBOCES employees, as well as ESBOCES Board members, parents/guardians, vendors, and visitors. The Board shall further provide for the enforcement of such Code of Conduct.

For purposes of this policy, and the implemented Code of Conduct, "ESBOCES Property" means on or within any owned or leased building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the ESBOCES facilities or on an ESBOCES-supervised school bus. An "ESBOCES function" shall mean an ESBOCES-sponsored extracurricular event or activity.

ESBOCES programs or services provided in any location shall comply with the Code of Conduct governing that location.

The ESBOCES Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, ESBOCES safety personnel, and other employees.

The Code of Conduct must include, at a minimum, the following:

1. provisions regarding appropriate and acceptable conduct, dress, and language on ESBOCES Property and at ESBOCES functions; provisions regarding acceptable civil and respectful treatment of teachers, ESBOCES administrators, other ESBOCES employees, students, and visitors on ESBOCES Property and at ESBOCES functions; the appropriate range of disciplinary measures that may be imposed for violation of such Code; and the roles of students, parents/guardians, teachers, administrators, other ESBOCES employees, the District Superintendent, Chief Operating Officer, and the Board;
2. provisions prohibiting discrimination, bullying, and/or harassment against any student by employees or students on ESBOCES Property or at an ESBOCES function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property, that creates a hostile environment by conduct, with or without physical contact, intimidation or abuse (verbal or non-verbal), of such a severe nature 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 and/or physical well-being or
 - b. reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

When the term “bullying” is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, gender identity or expression as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender, gender identity or expression that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

3. standards and procedures to assure security and safety of ESBOCES students and employees;
4. provisions for the removal of students and other persons who violate the Code from the classroom, from ESBOCES Property, or from an ESBOCES function;
5. disciplinary measures to be implemented for incidents on ESBOCES Property or at ESBOCES functions involving the use of tobacco, illegal use and/or possession of alcohol, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment, and threats of violence;
6. provisions for responding to acts of discrimination, bullying, and/or harassment against students by employees or students on ESBOCES Property, at an ESBOCES function, or off ESBOCES Property when the actions create or would foreseeably create a risk of substantial disruption within the ESBOCES environment or where it is foreseeable that the conduct might reach ESBOCES Property, pursuant to clause (2) of this subparagraph;
7. provisions for detention, suspension, and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable Federal, State, and local laws, including provisions for ESBOCES to establish procedures to ensure the provision of continued educational programming and activities for students placed in detention, suspended from ESBOCES, or removed from the classroom, which shall include alternative educational programs appropriate to individual student needs;
8. procedures by which violations are reported and determined, and the disciplinary measures imposed and implemented;
9. provisions ensuring that the Code of Conduct and its enforcement are in compliance with Federal and State laws relating to students with disabilities;
10. provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;

11. provisions setting forth the circumstances under and procedures by which parents/guardians shall be notified of Code violations;
12. provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition, or person in need of supervision (“PINS”) petition, as defined in Articles 3 and 7 of the Family Court Act, will be filed;
13. circumstances under and procedures by which referral to appropriate human service agencies shall be made;
14. a minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher’s authority in the classroom (as defined in Commissioner’s Regulations). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with Federal and State law;
15. a minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to NYS Education Law. However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with Federal and State law;
16. a Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive learning environment, which shall be written in plain language, publicized, and explained in an age-appropriate manner to all students on an annual basis; and
17. guidelines and programs for in-service education programs for all ESBOCES employees to ensure effective implementation of Board policy on ESBOCES conduct and discipline, including, but not limited to, guidelines on promoting a safe and supportive learning environment while discouraging, among other things, discrimination, bullying, and/or harassment against students by students and/or ESBOCES employees; and including safe and supportive learning environment concepts in the curriculum and classroom management.

The Code of Conduct shall be adopted by the Board after at least one public hearing that provides for the participation of ESBOCES employees, parents/guardians, students, and any other interested parties.

The ESBOCES Code of Conduct shall be reviewed on an annual basis and updated, if necessary, in accordance with law. ESBOCES may establish a committee pursuant to Education Law §2801(5)(a) to facilitate review of its Code of Conduct and ESBOCES response to Code violations. The Board shall readopt any updated Code of Conduct only after at least one public hearing that provides for the participation of ESBOCES employees, parents/guardians, students, and any other interested parties. ESBOCES shall file a copy of its Code and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board will endeavor to ensure that the community is aware of its Code of Conduct by:

1. providing copies of an age-appropriate, plain language, summary of the Code to all

students each school year;

2. providing a plain language summary of the Code to all parents/guardians of ESBOCES students at the beginning of the school year, and to all parents/guardians of new students upon entry to ESBOCES, and thereafter upon request;
3. providing all current teachers and other employees with a copy of the Code and any amendments to the Code as soon as practicable after adoption;
4. providing all new employees with a copy of the current Code when they are hired;
5. making copies of the Code available for review by students, parents/guardians, and other community members at all instructional sites;
6. posting the complete Code on the ESBOCES website;

Privacy Rights

As part of any investigation, ESBOCES has the right to search all ESBOCES Property and equipment, including ESBOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by ESBOCES for use by staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

References:

- [NYS Education Law §§2801 and 3214](#)
- 8 NY Code of Rules and Regulations (NYCRR) §100.2(l)(2)
- [Board Policy 6210 - Student Conduct and Discipline](#)

First Adopted: 7/1/2003

Readopted: 1/31/2007

Readopted: 7/11/2007

Readopted: 6/29/2011

Readopted: 6/27/2012

Readopted: 11/20/2013

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