

INTRODUCTION

Monroe One BOCES Student Code of Conduct supports all students, staff, and families in a school environment where all individuals feel safe, valued, and fully engaged in the educational process. The goal of the Student Code of Conduct (the “Code”) is to provide a learning environment free of disruption and interruption, where all students can fully engage in social/emotional growth and achieve academic success.

Expectations for acceptable conduct on school property and at school functions are set forth in detail in the Code. These expectations are based on the values we uphold as a trauma-responsive school community: *Safety, Trustworthiness, Empowerment, Collaboration and Choice*.

Unless otherwise indicated, the Code applies to all students, school personnel, parents/guardians and other visitors when on school property or attending a school function.

The purpose of this Code of Conduct Summary (the “Summary”) is only to summarize the Code and not replace the Code. The full Code should be referred to for clarification and further explanation of the provisions set forth in this Summary. If for any reason this Summary is inconsistent with the Code, the provisions of the Code shall apply. A copy of the full version of the Code is available in the Student Admissions and Records Office, 41 O’Connor Rd., Fairport, NY, 14450, the Bird/Morgan School, East Rochester, The Carlton Webster building, Henrietta and on the district website www.monroe.edu.

I. DEFINITIONS

Article I of the Code contains definitions of terms used in this Summary and throughout the Code. Such terms include, for example, “alcohol/ drugs/ controlled substances”, “bullying”, “harassment”, “school property”, “school personnel”, “sexual orientation”, “restorative practices”, “trauma responsive school” and “weapon”.

II. STUDENT RIGHTS AND RESPONSIBILITIES

A. Student Rights

The district is committed to safeguarding the rights given to all students under applicable law. The district’s aim is to provide an environment in which a student’s rights and freedoms are respected, and to provide opportunities, which stimulate and challenge the student’s interests and abilities to his or her highest potential.

B. Student Responsibilities

All students have the responsibility to participate in the educational process in a way that maximizes the benefits for themselves and others from the opportunities provided.

III. ESSENTIAL PARTNERS

The success of our students is directly dependent upon the entire community. Schools, families, community members, and students all play an essential role in developing competent, confident, independent, productive citizens in our society. Educating our children is a critical function of society.

Educating students includes academic growth, as well as developing social, emotional and civic skills. The way we collectively develop positive relationships among schools, students, families, and communities is a direct link to determining student success.

IV. STUDENT DRESS CODE

As per the Reopening Plan, face coverings are required for anyone who is medically able to wear one. Reusable and cloth masks are acceptable, including any color, school, college or sports logo or student name. Neck gaiters, scarves and bandanas are not allowed, nor is any reference that may be disruptive to the learning environment.

Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Students who violate the student dress code will be encouraged to comply to the guidelines. Any student who refuses to do so may be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension. Nothing in this policy shall be construed to limit the ability of students to wear clothing that allows them to express their gender identity, or to discipline students for doing so.

V. PROHIBITED STUDENT CONDUCT

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

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

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

Bullying

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

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

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

Harassment/Discrimination:

Harassment is the creation of a hostile environment by conduct or by verbal threats, intimidation, abuse or bullying, including cyber bullying, that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional, or physical well-being. Harassment, bullying or discrimination may be based on a student’s actual or perceived race, color, weight, national

origin, ethnic group, religion, religious practice, sex, gender, sexual orientation, disability, or any other categories of individuals protected by federal, state, or local law. Per the **Dignity for All Students Act**, harassment and/or discrimination toward students by employees or other students is prohibited on school property or at school functions or “off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.”

Electronic Devices:

Electronic devices (including cellphones), may not be used in a manner that will jeopardize the privacy, well-being, education or safety of students, staff or others. Students who use electronic devices in inappropriate manners will be subject to disciplinary action, up to and including suspension from school. Items may also be confiscated and may require parent/guardian pickup. Students are prohibited from using or having on or in an operational mode any paging device, mobile/cellular telephone, laser pointer or pen or any other type of telecommunications, imaging, or electronic/digital device during the school day unless expressly permitted by school staff; they are to be put away and turned off.

The District is not responsible for personal electronic devices that are lost or stolen.

Tobacco & Vaping Use Prohibited:

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

VI. REPORTING VIOLATIONS

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

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

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

VII. DISCIPLINARY ACTIONS, PROCEDURES AND REFERRALS

Monroe One BOCES holds all individuals accountable for their actions in a restorative and solution-oriented manner with a focus on repairing relationships, strengthening community, and increasing safety by decreasing conflict, de-escalating volatile situations, and prompting a sense of collective responsibility. Understanding discipline as a “teachable moment”, restorative practices will be employed where appropriate.

A. Disciplinary Action

Students, other than adult students, who are found to have violated the Code, may be subject to the following disciplinary action, either alone or in combination. The school personnel identified after each action are authorized to impose such action consistent with the student’s right to due process.

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

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

B. Procedures

In all cases, regardless of the penalty imposed, the school personnel authorized to impose a penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have

an opportunity to present their version of the facts to the school personnel imposing the disciplinary action.

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

C. Minimum Periods of Suspension

1. Students who bring a firearm to school: any student found guilty of bringing a firearm onto school property or to a school function will be subject to suspension from school for at least one calendar year.
2. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom: any student, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least one day.

D. Adult Students

Adult students shall be subject to the disciplinary action described in the Code for any misconduct, but they shall not be entitled to the rights under Education Law §32 14.

E. Referrals

1. **PINS Petitions:** The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18.
2. **Juvenile Delinquents and Juvenile Offenders:** The superintendent is required to refer the following students to the appropriate law enforcement authorities for a juvenile delinquency proceeding in Family Court:

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

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

VIII. ALTERNATIVE INSTRUCTION

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

IX. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to discipline students with disabilities for violations of the Code. The Board also recognizes that students with disabilities are offered certain procedural protections whenever school authorities intend to impose disciplinary action upon them. The disciplinary action and the procedures to be followed for disciplining students with disabilities are set forth in Article X of the Code.

X. CORPORAL PUNISHMENT

Corporal punishment of any student by school personnel is strictly forbidden. However, 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:

- (a) protect oneself, another student, teacher or any person from physical injury;
- (b) protect school property or the property of others; or
- (c) restrain or remove a student whose behavior interferes with the orderly exercise and performance of District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

XI. STUDENT SEARCHES AND INTERROGATIONS

A student is not entitled to any sort of “Miranda”-type warning before being questioned regarding an alleged violation of law or the Code, nor are school personnel required to contact a student’s parent/guardian before questioning the student. However, school personnel should tell a student why he or she is being questioned.

In addition, the Board authorizes the superintendent, building/program administrators and the Director of safety and security and security staff to conduct searches of a student and his or her belongings if there is a reasonable suspicion to believe that the search will result in evidence that the student violated the law or the Code.

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

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

A. Student Lockers, Desks and other School Storage Places

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

B. Strip Searches

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

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for recording information pursuant to the Code.

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

D. Police Involvement in Searches and Interrogations of Students

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

E. Child Protective Services Investigations

The District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse and/or neglect, or custody investigations.

XII. VISITORS TO THE SCHOOLS

The Board recognizes that parents/guardians and other citizens may wish to visit the District's schools and classrooms. However, because schools are a place of work and learning, certain limits must be set for such visits. Under current COVID-19 guidelines, most programs are restricting any non-essential visitors on campus. Anyone entering the building must go through a screening process, including a health and temperature check, before doing so.

XIII. PUBLIC CONDUCT ON SCHOOL PROPERTY

It is necessary to regulate public conduct on school property and at school functions. All persons on school property or attending a

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

A. Prohibited Conduct (General: All Persons)

No person, either alone or with others, shall:

1. Intentionally injure any person, or threaten or attempt to do so;
2. Intentionally damage, steal, or destroy school property or the personal property of a teacher, administrator, other district personnel or any person lawfully on school property or attending a school function, including graffiti or arson, or attempt or threaten to do so. No person shall at any time remove property from recycle bins or dumpsters from Monroe One BOCES property;
3. Disrupt the orderly conduct of classes, school programs, or other school activities;
4. Distribute or wear materials on school property or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sex, sexual orientation, disability or any other categories of individuals protected against discrimination by federal, state, or local law;
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this Code applies;
8. Violate the traffic laws, parking regulations, or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcohol/drugs/controlled

substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or be under influence of any such substances on school property or at a school function; "Illegal substances" include but are not limited to, inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, and look-alike drugs.

10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the district;
11. Loiter on or about school property or at school functions;
12. Gamble on school property or at school functions;
13. Refuse to comply with any reasonable order of identifiable District officials performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this Code;
15. No person, either alone or with others, shall violate any applicable law, the Code or other District rule while on school property or while at a school function.

B. Penalties

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

1. **Visitors:** their authorization, if any, to remain on school property or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to removal by the police or other appropriate authorized authorities.
2. **Students:** they shall be subject to disciplinary action in accordance with the Code.
3. **School personnel:** they shall be subject to warning, reprimand, suspension or dismissal in accordance with applicable law.

C. Enforcement

School personnel, to the extent authorized by the Code or other District rule, shall be responsible for enforcing the conduct required by the Code. The District reserves its rights to pursue a civil or criminal legal action against any person violating the Code, if the violation is so actionable.

XIV. DISSEMINATION AND REVIEW

To ensure that the community is aware of the Code, copies of the Code and this Summary will be distributed in accordance with NYS law. The Board will review the Code every year and update it as necessary.

Reviewed 2020