

# Salem Central School

Code of Conduct



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## Introduction:

The Salem Central School District Board of Education is committed to providing a safe and orderly environment in which 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 based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity. The Board of Education recognizes the need clearly to define these expectations for acceptable conduct on school property, to 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.

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors of Salem Central School District. **There shall be civil and respectful treatment of teachers, school administrators, other school personnel, students, and visitors on school property and at school functions. Disciplinary measures may be imposed for violations of this code.**

In accordance with the **Dignity for All Students Act**, no persons will be subject to discrimination or harassment, based on but not limited to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, by school employees or students on school property, on a school bus, or at a school function.

The Dignity Act Coordinators for the 2019-2020 school year at Salem Central School District are Mrs. Karen Vieira and Ms. Julie Adams, who may be reached at (518) 854-9505 or 518-854-7600.

## Definitions

**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 (Education Law Section 11[1]).

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of 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 Section 11 [4] and Vehicle and Traffic Law Section 142).

**School Function** means a school sponsored extracurricular event or activity (Education Law Section 11[2]).

**Disability** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological condition 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 disabilities which, upon the provision of reasonable accommodations, do not prevent the individual from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

**Discrimination** means discrimination against any student by a student or students and/or employee or employees on school property or at a school function 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.

**Emotional Harm** that 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 unreasonably and substantially to interfere with a student's education.

**Employee** means 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 nine B of article five 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 Section s11[4] and 1125[3]).

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]).

**Gender** means actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

**Harassment/bullying** means the creation of a hostile environment by conduct, threats, intimidation, or abuse, including cyber bullying as defined Education Law Section 11[5], that

- a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, 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; or
- 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 purpose of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions (Education Law Section 11[7]).

**Cyber bullying** means harassment/bullying, as defined above, through any form of electronic communication.

***Under the Dignity Act, there are currently 11 protected classes, groups or characteristics. The Dignity Act prohibits any discrimination based on actual or perceived characteristics. Definitions of the 11 protected areas are as follows:***

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos", etc. to describe and to classify the inhabitants of the United States.

**Color** means the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Weight** means, aside from the obvious meaning in the physical sciences, a reference to a person's "size".

**National Origin** means a person's country of birth or ancestor's country of birth.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances, such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Gender** means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".)

**Sexual orientation** means the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

**Disability** means any restriction or lack (due to any impairment) of ability to perform an activity in the manner or within the range considered typical.

**II. Student Bill of Rights:** Focusing on positive behavior, the student bill of rights and responsibilities will be publicized and explained to all students on an annual basis.

## **Student Bill of Rights and Responsibilities**

### **EDUCATION**

All persons between the ages of 6 and 21 residing in the state of New York are entitled to free education without discrimination on the basis of sex, race, creed, or personal condition. Each student has the right to learn in a safe and orderly environment most suitable to the student. Each student has the responsibility not to interfere with or to threaten the education of others by his/her actions. Each student has the responsibility to attend school regularly, at least until the completion of the school year in which he/she reaches age 16, and to abide by the policies and regulations of the school.

### **ASSOCIATION**

Students have the right to participate in any and all student organizations that have been recognized by the school district in accordance with established criteria. Such organizations may not restrict membership on the basis of race, sex, national origin, or other arbitrary criteria. It is the student's responsibility to respect and to follow the established guidelines of each organization.

**DIGNITY**

Students have the right to be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. Students have the responsibility to respect one another and to treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. Students are to conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. Students are to report and to encourage others to report any incidents of intimidation, harassment or discrimination.

**DISCIPLINE**

Rules for student conduct and discipline have been adopted by the Board of Education. These standards of conduct do not infringe upon the constitutional rights of students. The standards include prohibited student conduct and the range of penalties that may be imposed for such misconduct.

**CONFIDENTIALITY**

Student records will be maintained by the school district for use by appropriate district personnel in developing the best possible educational program for each student. Parents or legal guardians are entitled to inspect the student's cumulative record. Access to permanent student records is available to authorized school personnel and to the student's parents or legal guardians in consultation with school officials. The parent is afforded the opportunity through a hearing to challenge the accuracy content of the child's records. A student over the age of 18 is given these same rights as his/her parents.

**FREEDOM OF EXPRESSION**

Schools should afford the greatest possible opportunity for freedom of inquiry and expression to all members of the school community. It is the student's responsibility not to interfere with the orderly conduct of classes or not to interfere with the freedom of others to express themselves, and to refrain from libel, obscenity, and personal attacks.

**SEARCH AND SEIZURE**

School authorities have a special responsibility and a corresponding broad power to control school grounds and facilities in order to protect students entrusted to their charge. Therefore, when reasonable cause exists, general or individual searches may be conducted under the authorization of the principal or his agent. Items that are used to disrupt or to interfere with the educational process may be temporarily removed. Lockers are school property and, as such, are subject to inspection by school officials at any time. Such inspection may involve the use of dogs to detect the presence of drugs or other contraband such as explosives.

**DUE PROCESS**

All students are guaranteed the right of due process.

**Community Partners of the Salem Central School District**

All essential Salem Community Partners (students, parents, teachers, other school staff and administrators) recognize their part in teaching/sustaining a climate of mutual respect and dignity for all students regardless of a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex.

Be it understood that all roles are equally important, and each should work toward the same common goals for the students.

Community partners will:

- Work to build/maintain positive relationships with various stakeholders.
- Maintain open lines of communications.
- Take an interest in student achievement: academic/extra-curricular
- Familiarize themselves with school policies and rules and enforce them in a fair, consistent manner in accordance with the Salem Central School District Code of Conduct.
- Support students in effectively responding to peer pressure

### **Expectations for School Personnel:**

All school personnel will perform duties/responsibilities as defined by their specific job descriptions. All school personnel are considered mandated reporters for DASA, child welfare and neglect, and testing misconduct. All personnel should set good examples for students and other staff by demonstrating dependability, integrity, and other standards of ethical conduct. All must maintain confidentiality about all personal information and educational records concerning students and their families.

### **Expectations for Parents:**

Parents shall provide a place for study and partner with school staff to ensure completion of school work. In accordance with requirements set forth by New York State Education Law; and School Board Policy (#7110); parents are to send their compulsory age children to school on a consistent basis. Parents will work with their students to ensure students are prepared to attend school in a manner of dress which meets school dress code and does not disrupt the normal operation of the school building.

### **Expectations for the Salem Central School Board of Education:**

- Collaborate with students, teachers, administrators, parent organizations, school safety personnel, and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Approve and review at least annually the Salem Central School District's Code of Conduct to evaluate the codes effectiveness and the consistency of its implementation.
- Appoint a Dignity for All Students Act Coordinator for each school building. The Dignity Act Coordinator will attend training as specified by New York State certification requirements. The Dignity Act Coordinator will be accessible to students and staff members for consultation.
- Lead by example while conducting board meetings in a professional, respectful, and courteous manner.

## **I. PROHIBITED STUDENT CONDUCT**

The Salem Central School District Board expects all students to conduct themselves in an appropriate and civil manner; with proper regard for the rights and welfare of all school community partners.

The best discipline is self-imposed, and students must learn to assume and to accept responsibility for their own actions. District personnel who interact with students are expected to use disciplinary action **only** when necessary and to place emphasis on the students' ability to develop self-discipline.

The Board recognizes the need to make specific and clear its expectations for student conduct while on school property or engaged in a school function. It is important to remember that the conduct and

discipline actions outlined below are not all-inclusive and individual situations may differ and result in differing disciplinary consequences. The rules of conduct listed below are intended to focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own actions and who violate these school rules will be required to accept the penalty for their conduct.

#### **A. Conduct That Is Disorderly**

Examples of disorderly conduct include, but are not limited to the following:

- Engaging in any act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, skateboarding, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating, or that incite others.
- Obstructing vehicular or pedestrian traffic.
- Trespassing. Students are not permitted in any area of the school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
- Misusing school or personal computer/electronic communications devices; currently in existent or future devices including any unauthorized or inappropriate use of computers, software, or Internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District Acceptable Use Policy.

#### **B. Conduct That Is Insubordinate**

Insubordinate actions are failing to comply with the reasonable directions of teachers, school administrators or other District employees or otherwise demonstrating disrespect.

Examples of insubordinate conduct include, but are not limited to the following:

- Tardiness, missing or leaving school or class without permission.
- Skipping detention.

#### **C. Conduct That Is Disruptive**

Disruptive actions are any actions which interrupt student learning or normal school expectations/routines.

Examples of disruptive conduct include, but are not limited to the following:

- 1) Failing to comply with the reasonable directions of teachers, District administrators or other District employees or otherwise demonstrating disrespect.
- 2) Endangering the health and safety of other students or staff or interfering with classes or District activities by means of inappropriate appearance or behavior as per Salem Central School District Code of Conduct.



#### **D. Conduct That Is Violent**

Violent actions are any actions that intentionally damage or destroy district property, the person or personal property of a student, teacher, or other school community partner or any person lawfully on District property.

Examples of violent conduct include, but are not limited to the following:

- Committing, threatening or attempting an act of violence (such as hitting, kicking, punching, or scratching) upon another student, teacher, administrator or other District employee, or any other person lawfully on school property.
- Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student or any other individual to fear for his or her physical well-being.
- Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on District property or at a District function.
- The displaying of, threatening use of, or actual use of a weapon.
- Intentionally damaging or destroying District property, the personal property of a student, teacher, volunteer, contractor, vendor, administrator, other District employee or any person lawfully on District property, or at a District function including but not limited to graffiti or arson.
- Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

#### **E. Conduct That Endangers the Safety, Morals, Health or Welfare of Others**

Examples of such conduct include, but are not limited to the following:

- Lying, deceiving or giving false information to school personnel.
- Stealing District property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
- Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include posting or publishing video, audio recordings or pictures (written material, cell phones, Internet, YouTube, etc.).
- Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, or disability as a basis for treating another in a negative manner on school property or at a school function.

- Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse 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 wellbeing based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, marital or veteran status, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort; for example, "play" fighting, extortion of money, overt teasing, etc.
- "Internet bullying" (also referred to as "cyber bullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school or infringes upon the general health, safety and welfare of students or employees.
- Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- Displaying signs of gang affiliation or engaging in gang-related behaviors that are observed to increase the level of conflict or violent behavior.
- Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any District or school sponsored activity, organization, club or team.
- Selling, using, possessing or distributing obscene material.
- Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products **vaping materials or paraphernalia**, or illegal and/or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs or being under the 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, look-alike drugs, drug paraphernalia and any substances commonly referred to as "designer drugs."
- Inappropriately using, sharing, selling, attempting to sell, distributing or exchanging prescription and over-the-counter drugs.
- Possessing, consuming, selling, attempting to sell, distributing, or exchanging "look-alike drugs"; or, possessing or consuming (without authorization), selling, attempting to sell, distributing or exchanging other substances such as dietary supplements, weight loss pills, etc.
- Gambling and gaming.
- Inappropriate touching and/or indecent exposure.
- Initiating or reporting warning of fire or other catastrophe without valid cause, misusing 911, or inappropriately discharging a fire extinguisher.
- Violating gender privacy when using school restroom facilities.

## **F. Misconduct While on a School Bus**

It is crucial for students to behave appropriately while riding on Salem Central School District buses or other vehicles to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on these vehicles in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated. Students waiting for buses when not on school property shall conduct themselves in accordance with the district's code of conduct.

## **G. Academic Misconduct**

Examples of academic misconduct include, but are not limited to the following:

- Plagiarism, cheating, or altering records.
- Accessing other users' email accounts or network storage accounts and/or attempting to read, delete, copy, modify, and interfere with the transferring and receiving of electronic communications.
- Violation of the District Acceptable Use Policy for technology.
- Assisting another student in any of the above actions.

## **H. Student Use of Electronic Communication Devices**

Students are prohibited from using or having in their possession any paging device, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. Students are prohibited from using electronic communication devices in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyber bullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the Salem Central School District *Code of Conduct* that may be applicable to the circumstances involved.

## **II. 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 is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities 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 regulations.

## **III. Dissemination and Review**

The Board of Education of Salem Central School District will work to ensure that the community is aware of this Code of Conduct by

- Providing a public hearing prior to Board approval.
- Providing copies of a summary of the Code to all students, in an age-appropriate, plain-language version, at a general school assembly held at the beginning of each school year.
- Making copies of the Code available to all parents at the beginning of the school year.
- Providing a summary of the Code of Conduct written in plain language to all parents of Salem Central School District students before the beginning of the school year and making this summary available later upon request.
- 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.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Making copies of the Code available for review by students, parents and other community members and providing opportunities to review and to discuss this Code with the appropriate personnel.
- Sponsoring an in-service education program for all District staff members to ensure the effective implementation of the Code of Conduct.

The Board of Education, via a committee of representative stakeholders, 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.

The Board may appoint an advisory committee to assist in reviewing the Code and the District's response to Code of Conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel. Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Salem Central School District shall post the complete Code of Conduct (with all amendments and annual updates) on the District's website, if available. The District shall file a copy of its Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

#### **IV. Disciplinary Penalties/Remediation:**

While the focus of this policy is on appropriate school behavior, misconduct may still occur. In these cases, students will be given a clear message that their actions are not acceptable and strategies for improving their behavior. Students will receive guidance from a variety of school personnel in making positive choices. When appropriate, disciplinary action may be taken by administrative staff. If student behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's prior behavioral patterns. Consequences will be consistent with the Salem Central School District's Code of Conduct. The goal of disciplinary actions is to correct problem behaviors and to prevent future violations. Appropriate remedial measures may include, but are not limited to the following:

### **A. Remedial Responses**

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constructive conflict resolution is modeled;
- behavioral assessment or evaluation;
- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on discipline issues involving persons in parental relations.

### **B. Disciplinary Procedures and Penalties**

Provisions for detention, suspension, and removal of students from the classroom shall be consistent with Education Law §3214 and other laws, including provisions for school authorities to establish policies and procedures to ensure continued educational program activities. No such pupil shall return to the classroom until the principal makes a final determination under Ed. Law §3214 (3-a) I, or the period of removal expires, whichever is less. Detailed information is available for review upon request.

Students who violate this code of conduct may be subject to one or more of the following penalties. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Verbal warning – Any member of the district staff
2. Written warning – Bus drivers, hall and lunch monitors, teachers, principal, superintendent
3. Written notification to parent – Bus drivers, hall and lunch monitors, teachers, Principal, or Superintendent
4. Detention – Teachers, Principal, Superintendent
5. Suspension from transportation – Principal, Superintendent
6. Suspension from athletic participation – Principal, Superintendent
7. Suspension from social or extracurricular activities – Principal, Superintendent
8. Suspension of other privileges – Principal, Superintendent
9. In-school suspension – Principal, Superintendent
10. Removal from classroom – Teachers, Principal, Superintendent
11. Short- or long-term suspension from school – Principal, Superintendent, Board of Education
12. Permanent suspension from school – Superintendent, Board of Education.

## **Detention**

After-school detention may be used when removal from the classroom or suspension would not be appropriate. Detention will be imposed only when the student has transportation home following detention.

## **Suspension from Transportation**

Students who are serious disciplinary problems may have their riding privileges suspended. In such cases, the students' parents will be responsible for transportation to and from school. If suspension from transportation amounts to a suspension from attendance, the district will provide for the student's education. A student subject to this penalty is not entitled to a full hearing; however, the student and parent will be provided a reasonable opportunity for an informal conference with the Building Principal to discuss the conduct and the penalty involved.

## **Suspension from Athletic Participation, Extracurricular Activities and Other Privileges**

A student subject to this provision is not entitled to a full hearing; however, the student and parent will be provided a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty. See Athletic Code of Conduct for additional information.

## **In-School Suspension**

This is the temporary removal of a student from the classroom and his/her placement in a designated area of the school building where he/she will receive an alternative education. A student subject to in-school suspension is not entitled to a full hearing; however, the student and parent will be provided a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and penalty.

## **Teacher Removal of Disruptive Students**

This means a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A disruptive student can affect a teacher's ability to teach and make it difficult for other students to learn. Occasionally, it may be necessary to remove a student from the classroom to ensure that other students may continue to learn.

A teacher may remove a student from his/her class only for up to two days. If the student is not a danger or ongoing threat of disruption, before removal, the teacher must explain to the student why he/she is being removed. If the student is a danger or ongoing threat of disruption, the teacher may order the student removed immediately. Any student removed from the classroom shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

## **Suspension from School**

This penalty may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility with the Superintendent and the Building Principals.

**Short term (five days or less) Suspension**

When suspension is proposed, the suspending authority must immediately notify the student orally, explaining the basis for the proposed suspension, and must notify the student's parent in writing that the student may be suspended from school.

**Long term (more than five days) Suspension**

When a suspension for more than five days is warranted, the suspending authority shall give reasonable notice to the student and his/her parent of their right to a fair hearing.

**Permanent suspension**

Permanent suspension may be imposed when a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

**V. Due Process**

Due process procedures depend on the penalty being imposed. In all cases, the person authorized to impose the penalty must explain to the student what misconduct is alleged, and must investigate the facts of the alleged misconduct. All students will have an opportunity to present their version of the facts to the individual imposing the disciplinary action.

Students to be given penalties other than a verbal warning, written warning, written notification to their parents or detention, are entitled to additional rights before the penalty is imposed. Detailed information will be provided to the student/parent when disciplinary action is proposed. This information also will be available for review by any interested party upon request to the Building Principal.

**VI. Alternative Instruction**

When a student is removed from class, or a student of compulsory attendance age is suspended from school, the District will provide equivalent alternative instruction. Alternative instruction also will be available to any student over the compulsory attendance age who presents a sincere desire to complete his/her high school education.

**VII. Minimum Periods of Suspension****A. Students who bring a weapon to school**

Any student found guilty of bringing a weapon onto school property is subject to suspension for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing. The Superintendent may modify the suspension on a case-by-case basis. (For students with disabilities, see Section VI.)

The Superintendent is required to refer the following students to the County Attorney (or the county presentment agency, as appropriate) for a juvenile delinquency proceeding before the Family Court:

1. Any student under the age of 16 who is found to have brought a weapon to school, or
2. Any 14 or 15 year old student who qualifies for juvenile offender status under the Criminal Procedure Law.

The Superintendent is required to refer students over the age of 16 or any student 14 or 15 years of age who qualify for juvenile offender status to the appropriate law enforcement authorities. A student 14 or 15 years old who possesses a firearm, machine-gun or loaded firearm (as defined in section 265.00 of the Penal Law) on school grounds (as defined in section 220.00 (14) of the Penal Law) qualifies for juvenile offender status under section 1.20 of the Criminal Procedure Law.

**B. Students who commit violent acts other than bringing a weapon to school**

Any student who commits a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and parent will be given the same notice and opportunity for a hearing as for a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and parent will be given the same notice and opportunity for a hearing as for a long-term suspension. The Superintendent may modify the minimum five-day suspension on a case-by-case basis.

**C. Students who are repeatedly substantially disruptive or repeatedly substantially interfere with the teacher's authority over the classroom**

Any student who engages in conduct resulting in his/her removal from class on four or more occasions during a semester will be suspended for at least five days. If the proposed penalty is the minimum five-day suspension, the student and parent will be given the same notice and opportunity for a hearing as for a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and parent will be given the same notice and opportunity for a hearing as for a long-term suspension. The Superintendent may modify the minimum five-day suspension on a case-by-case basis. Students with disabilities are referred to the Committee on Special Education.