

Salem Central School District

Code of Conduct

2022-2023



Public Hearing Date: 7/13/2022
Public Comment Period: 7/14/2022 - 8/15/2022
Adoption Date: 8/16/2022

Table of Contents

Introduction and Definitions p.2
Student Bill of Rights and Responsibilities p.4
Community Partners of SCSD p.5
Prohibited Student Conduct p.6
Students with Disabilities p.10
Dissemination and Review p.10
Disciplinary Penalties/Remediation p.11
Due Process p.13
Alternative Instruction p.14
Minimum Periods of Suspension p.14
Introduction of Restorative Practices p.14
DASA and the Crown Act p. 15

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 2022-2023 school year at Salem Central School District are:

Karen Jones, Elementary Principal, kjones@saalemcsd.org, (518) 854-9505

Damian Switzer, Interim Jr/Sr High School Principal, dswitzer@saalemcsd.org, (518) 854-7600

Definitions

Definitions. For the purposes of this article, the following terms shall have the following meanings:

"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 §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 §11[1] and Vehicle and Traffic Law §142).

"School Function" means a school-sponsored extracurricular event or activity (Education §11[2]).

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions 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 complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §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 to unreasonably and substantially 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 9-B of article 5 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 §§11[4] and 1125[3]).

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

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

"Harassment/bullying" means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), 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 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 purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. (Education Law §11[7])

"Cyberbullying" means harassment/bullying, as defined above, through any form of electronic communication.

9. "Race" shall include traits historically associated with race, including but not limited to hair texture and protective hairstyles. (Education Law §11[2](11))

10. "Protective hairstyles" shall include, but not be limited to, such hairstyles as braids, locks, and twists. (Education Law §11[2](11))

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

- race,
- color,
- weight,
- national origin,
- ethnic group,

Adopted: August 16, 2022

- religion,
- religious practice,
- disability,
- sex,
- sexual orientation,
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

Note: This is not an exhaustive list. For example, students with acne or short stature, who are subjected to discrimination, harassment, or bullying are also covered by the Dignity Act. Therefore, the category of "other" may be used.

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 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 code's 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

Adopted: August 16, 2022

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:

Adopted: August 16, 2022

- 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, synthetic 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.

I. Student Dress Code

Students have the responsibility to attend school in appropriate dress that meets health and safety standards and does not interfere or distract from the educational goals of the school. Parents/guardians have the responsibility to ensure that their student is dressed in accordance with the dress code. Student dress cannot be disruptive to the educational environment or overtly sexual in nature.

Adopted: August 16, 2022

Examples of prohibited clothing and attire include:

- Extremely brief, revealing, mesh or see through garments;
- Apparel **and accessories** with expressions or insignias which are obscene, sexual in nature, commonly recognized as hate symbols, or have objectionable language/insults of any nature including but not limited to racial, ethnic or religious prejudice;
- Apparel that advertises/advocates the use of drugs/alcohol/tobacco/marijuana;
- Apparel with references to violence or weapons or that may be used as a weapon (e.g., chains; spiked clothing; etc.);
- Sunglasses unless prescribed by a physician or a doctor's note;
- Hats, head coverings and hoods may not be worn **in the classroom** except for religious or medical reasons;
- Appropriate footwear must be worn at all times. Footwear that is deemed to be a safety hazard will not be allowed.

Students who violate the dress code may be directed to remove or cover the prohibited items or directed to change clothing. Failure to comply with such a directive may result in disciplinary action.

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.

Adopted: August 16, 2022

- 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. Structured Day – Principal, Superintendent
6. Suspension from transportation – Principal, Superintendent
7. Suspension from athletic participation – Principal, Superintendent
8. Suspension from social or extracurricular activities – Principal, Superintendent
9. Suspension of other privileges – Principal, Superintendent
10. In-school suspension – Principal, Superintendent
11. Removal from classroom – Teachers, Principal, Superintendent
12. Short- or long-term suspension from school – Principal, Superintendent, Board of Education
13. Permanent suspension from school – Superintendent, Board of Education.

Detention

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

Structured Day

A structured day may be used as an alternative to In School Suspension (ISS). The student will be provided with a modified schedule that may include a combination of: restricted or change in passing time between classes, lunch detention, restricted study hall, structured class time and after-school detention.

Suspension from Transportation

Students who have 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 (ISS)

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 (ISS) 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 who are 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.

VIII. Introduction of Restorative Practices

The Salem Central School district also endorses the use of restorative practices. Restorative practices

can be used with existing school procedures and consequences for inappropriate behavior, or upon agreement, in place of those procedures. Restorative practice always requires that the offender accept responsibility and that there be a monitored agreement for the offender to make things right. Restorative practices include formal (Circles and Community Conferences) and informal processes and activities that develop relationships, build community and repair wrongdoing when it occurs.

Establishing relationships is fundamental to creating a peaceable, positive, and productive classroom and school environment. A basic premise of restorative practices is that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. Circles emphasize the development of relationships and building community through getting to know one another, sharing, talking about an issue, supporting, and celebrating. Circles may also be used to solve problems, resolve conflicts and do academic work.

Community Conferences are "communities of care," where victims and offenders and their families and friends participate in a collaborative process. This process emphasizes the needs of the victim and holds offenders accountable, with high support, so they can return to the community. Restorative practices reflect a philosophy that holds that all communities are based on relationships. The stronger the relationships become, the less likely that wrongdoing will occur and the more likely wrongdoing can be repaired if it does occur.

IX. DIGNITY FOR ALL STUDENTS ACT (Chapter 482 of the Laws of 2010)

New York State's Dignity for All Students Act (Dignity Act) seeks to provide the state's public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, and/or bullying on school property, a school bus and/or at a school function and to foster civility in public schools while preventing and prohibiting conduct which is inconsistent with a school's educational mission. The Dignity Act was signed into law on September 13, 2010 and went into effect on July 1, 2012, with an Amendment going into effect on July 1, 2013.

"No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected 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 by school employees or students on school property or at a school function. 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 that would be permissible under section thirty-two hundred one-a paragraph (a) of subdivision two section twenty-eight hundred fifty four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et, seq.) or to prohibit, as discrimination based on disability, action that would be permissible under section 504 of the Rehabilitation Act of 1973.

In 2019, the Dignity for All Students Act, or DASA, was amended by the CROWN Act to add the definition of race that includes traits such as hair texture and protective hairstyles such as locks, braids, and twists in order to protect students' access to their public education regardless of how they choose to wear/style their hair. The CROWN Act, which stands for Creating a Respectful and Open World for Natural Hair, prohibits racial discrimination based on hair texture and protective hairstyles. While DASA already protects the right of all students to learn in schools free of discrimination, harassment, and bullying, it is now clarified that those rights include self-expression through hairstyle.

Simply put, the CROWN Act protects students' rights to wear or treat their hair however they desire, without the threat of racial discrimination or loss of access to school, participation in activities, and inclusion in opportunities inside and beyond typical classrooms. School administrators can work to create a culturally responsive and sustaining school environment that reflects the diversity of its students, including their hairstyles, and supports student self-expression. The enactment of the CROWN Act provides the opportunity for districts and schools to engage students, staff, and the community in the process of revisiting and revising their codes of conduct and dress codes to include the provisions of the CROWN Act and the Commissioner's Regulations regarding DASA (100.2 (jj), (kk)).

Under DASA and the CROWN Act, schools are responsible for ensuring that:

- teaching staff and other school personnel are aware of the Crown Act;
- school personnel understand that formal disciplinary action against students based on their natural hair texture and protective hairstyles is prohibited;
- school personnel understand that, given their inherent position of authority over students, they are responsible for preventing racial discrimination and supporting all students' access to school, participation in activities, and inclusion for opportunities inside and outside of the classroom; and
- the CROWN Act helps to promote school belonging and engagement for all students; reduces disparities in school discipline; increases educational engagement and academic success; and protects students, regardless of gender or gender identity.

In 2012, DASA was enacted in recognition of every student's right to learn in a safe and supportive environment so they are better able, and more likely, to meet high academic standards. The provisions of DASA challenge every school to educate each and every student free of the burden of discrimination, harassment, and bullying which occur all too frequently for many students across their school experience. In addition, DASA supports every school's ability to create a diverse, equitable, and inclusive educational process.

DASA is intended to improve the culture and climate of schools to create spaces to promote learning, as well as healing. Its focus is not on disciplining children and reporting incidents. Instead, DASA focuses on respecting the dignity of the individual children and the families of all students involved in incidents of discrimination, harassment, and bullying. In response to these incidents, DASA requires schools to take calculated steps to eliminate any hostile environment, create a positive school climate, and ensure the safety of the student(s) impacted by the incident. DASA requires that any discipline for the student(s) who caused the incident are addressed through a progressive discipline approach, but best practices recommend that support also be provided for those students as a way to prevent further incidents and in recognition that these students often need resources and assistance themselves.

The CROWN Act acknowledges that hairstyles have been just one piece of a pattern of harassment for some students and makes it illegal to limit students' opportunities based on hair. It is about understanding how patterns of incidents demonstrate a need for school personnel to become the impetus for a healthy shift in school culture by creating positive school climates that promote a sense of school belonging.

School belonging is an important part of students', parents', and teachers' experiences, and is related to positive academic outcomes and academic persistence (Allen et. al., 2018).

Teachers and other school staff who interact with students and affirm students' identities, including racial and ethnic identities, gender and gender expressions, and lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) identities play the most important role in fostering school belonging and helping students feel welcome (Craggs et. al., 2018 & Poteat et. al. 2013). Students' feelings of safety, affirmations of their individual identities, and feelings of being understood and accepted are the most important ways that students feel safe (Craggs et. al., 2018).

1. The legislation provides protection for those who make reports of cases of suspected abuse or harassment. This includes reports made in good faith to school officials, the Commissioner of Education, all or law enforcement authorities. The protection also applies to anyone who testifies, participates or assists in any formal or informal proceedings under the law. Those persons shall have immunity from civil liability that may arise from the making of such a report for testifying. Participating, or assisting in those proceedings. No school district or employee shall take any retaliatory action against such person who, acting reasonably and in good faith, makes such a report or initiates or assists in such a proceeding.
2. Salem CSD will provide instruction to students in grades Kindergarten through twelfth (12) on subjects including tolerance, respect for others, and dignity as well as raising awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different actual or perceived race, weight, national origin, religion, religious practice, ethnicity, disability, sexual orientation, gender and sex as part of the instruction in civility, citizenship and character education. This instruction will include an emphasis on discouraging acts of harassment, bullying and/or discrimination. Such instruction will also include instruction on the safe and responsible use of the internet and electronic communications.
3. Salem CSD will establish measured, balanced and developmental age-appropriate responses to instances of harassment, bullying and/or discrimination by students, with remedies and procedures following a progressive model that makes appropriate use of intervention, discipline, education that will vary in method according to the nature of the behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and consider the impact the student's behaviors had on the individual(s) who was physically injured or emotionally harmed. Responses will be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment, consistent with other provisions of the Code of Conduct.
4. Salem CSD will form a district-wide or Building Committee to establish training guidelines which offers guidance to staff to raise awareness and sensitivity to potential acts of harassment, bullying, cyber-bullying and/or discrimination committed by students and/or employees on school grounds or at a school function, as well provide as information on how to identify and respond to incidents of harassment, bullying and/or discrimination. Training will also provide strategies and instruction to discourage and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting as well as promote a positive and safe environment for all students. The training should be designed to make school employees aware of the effects of bullying, harassment and/or discrimination and raise awareness of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment and provide strategies for disrupting and discouraging bullying, intimidation, harassment and other forms of violence. Training shall also include safe and supportive climate concepts in curriculum and classroom management.
5. A district-wide or Building Committee should review current character education and civility instruction to determine what additional information should be incorporated to reflect DASA, including, but not limited to, instruction on awareness and sensitivity to discrimination and harassment and promoting civility and tolerance by students related to a person's actual or perceived race, color, weight, national origin, ethnic group religion, religious practice, disability, sexual orientation, gender or sex race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
6. At least one employee in each school shall be designated as a Dignity Act Coordinator, who shall be employed by the district and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the Superintendent within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.

Each Dignity Act Coordinator appointed will be thoroughly trained to handle human relations in areas of actual or perceived race, color, weight, national origin, ethnic group, religion or religious practices, disability, sexual orientation, gender and gender identity and sex. In addition, each DAC shall be provided with training which addresses the social patterns of harassment, bullying, and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. Additional training will assist the DAC in identifying and mitigating incidents of harassment, bullying and/or discrimination as well as providing strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. The DAC will be accessible to students and staff for consultation and advice as needed related to the Dignity for All Students Act.

7. Prevention

Prevention is the essential element necessary for Salem CSD to address bullying, discrimination, cyber-bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011." Salem CSD curriculum will emphasize developing empathy, tolerance and respect for others;
- Creating a dynamic learning environment for all students;
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying;
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation;
- Establishing clear school wide and classroom rules about bullying consistent with the BOCES' code of conduct;
- Providing staff training to promote a positive school environment free from discrimination and harassment;
- Providing training to raise awareness and sensitivity to potential acts of discrimination and/or harassment and understanding of the Code of Conduct;
- Providing staff training to enable employees to prevent and respond to incidents;
- Providing staff training to make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination. Such training shall raise awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence;
- Providing training to assist staff in addressing the social patterns of harassment, bullying and/or discrimination, to identify and mitigate acts of harassment, bullying and/or discrimination and to use strategies to effectively address problems of exclusion, bias and aggression in the school setting.
- Ensuring the effective implementation of school policy on conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or school employees;
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground;
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

8. Reporting of Incidents

- i) School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of harassment, bullying, and/or discrimination shall promptly orally notify the principal, superintendent, or their designee not later than one school day after such employee witnesses or receives a report of harassment, bullying, and/or discrimination, and.
- (ii) such school employees shall also file a written report in a manner prescribed by BOCES with the principal, superintendent, or their designee no later than two school days after making an oral report.

(iii) the principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written reports made under Education Law section 13.

(iii) When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, consistent with the district's code of conduct including but not limited to the provisions of section 100.2(l)(2)(ii)(h), reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such behavior was directed.

(iv) The principal, superintendent, or their designee shall notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

(v) The principal shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the superintendent. For the purpose of this subdivision, the term "regular report" shall mean at least once during each school year, and in a manner prescribed by, as applicable, the school district, BOCES or charter school.

Reporting of material incidents to the commissioner. For the 2013-2014 school year and for each succeeding school year thereafter, each school district, board of cooperative educational services (BOCES) and charter school shall submit to the commissioner an annual report of material incidents of harassment, bullying, and/or discrimination, that occurred in such school year, in accordance with Education Law section 15 and this subdivision. Such a report shall be submitted in a manner prescribed by the commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.

9. Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in harassment, bullying and/or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling; and/or
- Parent conferences.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a warning up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

10. Dissemination and Review

All parents and persons in parental relation will receive notice, at least annually, of the Dignity Act Coordinator for each building and the name of the designated building official(s) to whom complaints of alleged harassment, bullying and/or discrimination may be made. Information will be provided in a manner determined by the district (which may include through US Mail, electronic information or by sending information home with students). This information will also be posted in highly visible areas of the school building and will also be made available at district and school-level administrative offices. A change in the name and/or contact information of a Dignity Act Coordinator will not constitute a revision to the Code of Conduct so as to require a public hearing.

Information about the Dignity for All Students Act and its interrelation with the Salem CSD Code of Conduct shall be contained in the plain language summary of the Code of Conduct provided to all parents and persons in parental relation to students before the beginning of school each year, or by providing this information at least once per year in a manner determined by the Salem CSD which may include sending information home with students, by US Mail or electronic communication.

In addition this information will be posted in highly visible areas of the buildings and shall be available in district and school level administrative offices and on the Salem CSD website. All current staff members and teachers will receive a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption. All new employees will receive a copy of the Code of Conduct when they are first hired.