

SOMERS CENTRAL SCHOOL DISTRICT CODE OF CONDUCT



**CODE OF
CONDUCT,
COMMUNITY,
AND SUPPORT**

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5300.05 Introduction

The Somers Central School District Board of Education (Board) is committed to providing a safe and orderly school environment where 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 Code of Conduct, Community, and Support was created to define the environment in which all students, faculty, and staff can have equitable access to instruction while simultaneously protecting the due process rights of all stakeholders. This code is a primary tool in helping the Somers Central School District achieve the mission of “Engaging all Students at a Personal Level to ensure success in a Global Society.” The code is revised each year to ensure content is reflective of the needs of community members and demonstrates the board and district’s commitment to reflective practice as it moves “Forward in Excellence.”

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty, and integrity.

No individual shall be subjected to harassment by anyone on school property or at school functions. Nor shall any individual be subjected to discrimination by anyone on school property or at school functions based upon the individual’s actual or perceived race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background, or any other difference.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, 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 ("code").

The Somers Central School community is committed to creating a positive school environment where all members are valued, feel safe and have a shared sense of responsibility for the wellbeing of others. When missteps are made, this code will be used to ensure that members are held accountable while also creating a space for growth through reflection. The Somers school community strives to create an empathetic culture where all are conscious of their decisions and how they impact others.

Unless otherwise indicated, this code applies to all students, school personnel, parents, and other visitors when on school property or attending a school function whether such function is held on or off school grounds.



Mission, Vision, Values

Our Mission

During the 2010-11 school year, the Somers School District engaged all stakeholders including students, staff, parents, and community members to clarify the District mission, vision, and values. The results of this work are below. The District has also used these collective components to drive the annual improvements in the District and each school via distinct and yet interdependent success plans. The plans have in turn provided for annual adjustments to the overall programs and structures to support the development of the *Whole Child*.

Somers Central School District will ignite a passion in each student by engaging students at a personal level to ensure success in a global society.

Our Vision

The vision for SCSD encompasses three fundamental areas, each an important component of the Whole Child —

- 21st Century Knowledge & Skills
- Social-Emotional-Physical Wellness
- Global Citizenship

Our Values

The stakeholders of the Somers Central School District are a community that:

- Believes our schools are the center of our community a safe place to be and grow.
- Leads by example and encourages students to follow their passions.
- Holds high expectations for student achievement and character.
- Develops a k-12 curriculum, instructional resources, and assessments intended to prepare students to thrive in a global community.
- Recognizes and celebrates the collective efforts and achievements of the Somers community and embraces a healthy balance of participation from all stakeholders.
- Values social/emotional/physical wellness as much as academic achievement.
- Believes the arts are vital to the core curriculum.
- Gives back to the community through service to others.
- Understands the law, the constitution, and our civic, ethical and personal responsibilities to each other.
- Develops relationships that are characterized by honesty, respect and integrity.
- Learns from and works collaboratively with individuals from diverse cultures, religions and lifestyles in a spirit of mutual respect and open dialogue.
- Supports and encourages professional collaboration, district-wide and with local organizations, to promote student learning.
- Is driven by a sense of continuous improvement.

The mission, vision and values stated above form the foundation for creating a safe and nurturing learning environment that fosters respect, empathy and compassion for all stakeholders. This code is premised on them as a foundation for creating a healthy and supportive learning environment.

5300.15 Rights and Responsibilities of School Stakeholders

The district is committed to safeguarding the rights given to all stakeholders under state and federal law and district policy. The rights and responsibilities outlined below are critical to promoting a safe, healthy, and supportive school environment.

Stakeholder Rights and Responsibilities

All school stakeholders have the right to:

1. Be respected by others, and the responsibility to show respect to others.
2. Be mistaken and the responsibility to learn from one's mistake.
3. Express ideas and feeling without fear or criticism, and the responsibility to listen with an open mind to another's point of view.
4. Be free from abuse and harassment and have the responsibility to report behavior that makes one feel uncomfortable, intimidated or threatened.
5. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty and the responsibility to report as accurately and completely as possible.
6. Access school policies, regulations and rules and receive an explanation of those rules from school personnel and the responsibility to contribute positively to their enforcement.
7. Take part in all district activities regardless of race, gender identity, sexual orientation, the languages spoken, learning difference, background, or any other difference and the responsibility to help others do the same.
8. Not be subjected to harassment/and/or bullying by District personnel or other students on school property or at school functions and the responsibility to report these behaviors.
9. Not be subjected to discrimination based upon race, gender identity, sexual orientation, the languages spoken, learning difference, background, or any other difference by District personnel or other students on school property or at school functions.

Additional Student Responsibilities

In addition to the responsibilities outlined above, all District students have the responsibility to:

1. Show respect to others
2. Try to understand other points of view
3. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning.
4. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
5. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
6. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
7. React to direction given by teachers, administrators, and other school personnel in a respectful, positive manner.
8. Work to develop mechanisms to manage their anger.
9. Ask questions when they do not understand.
10. Seek help in solving problems.
11. Dress appropriately for school and school functions.
12. Accept responsibility for their actions and make efforts to correct and improve behavior through restorative interventions.
13. Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
14. Not engage in harassment and/or bullying on school property or at school functions.

15. Not engage in discrimination based upon another person's actual or perceived race, gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference.

5300.20 Essential Partners

Parents and/or Guardians

All parents and/or guardians are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents/guardians and the school community and collaborate with the district to optimize their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly, and civil environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive attitude toward education, the district, and others.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.
13. Monitor their children's use of personal technology.
14. Discuss with their child(ren) the importance of mutual respect and dignity for their peers regardless of gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference.

Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules and enforce them in a fair and consistent manner.
5. Maintain confidentiality in accordance with federal and state law.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.

10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.
11. Report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention by orally notifying the principal, superintendent, or their designee not later than one (1) school day after they witness or receive a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

School Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.
12. Report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention by orally notifying the principal, superintendent or their designee not later than one (1) school day after they witness or receive a report of such acts and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code of conduct.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.
8. Report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention by orally notifying the principal, superintendent, or their designee not later than one (1) school day after they witness or receive a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

Principals/Administrators

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference.
2. Ensure that students and staff have the opportunity to communicate regularly with the Principal and approach the Principal for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code of conduct, when called upon.
7. Disseminate the code of conduct and anti-harassment policies.
8. Be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students and staff.
12. Maintain a climate of mutual respect and dignity for all students regardless of race, gender identity, sexual orientation, the languages they speak, learning difference, background, or any other difference
13. Address and/or report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed by the Building Administrator, or otherwise brought to the Building Administrator's attention, by orally notifying the principal, superintendent, or their designee not later than one (1) school day after the Building Administrator witnesses or receives a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.
14. Along with the Dignity Act Coordinator, investigate incidents of discrimination, harassment and/or bullying that are witnessed by the principal, or otherwise brought to the principal's attention, in a timely manner.

The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background or any other difference.
2. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
3. Coordinate, with the Professional Development Committee, and Diversity, Equity and Inclusion Leaders, training to promote a positive school environment free from discrimination and harassment.
4. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
5. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
6. Address personal biases that may prevent equal treatment of all students and staff.

The Dignity Act coordinators for the 2022-2023 school year are:

Primrose: Margaret Benedetto -Assistant Principal
SIS: Linda Belger- Assistant Principal
SMS: Jennifer Mangone -Assistant Principal
SHS: Karime Flores -Assistant Principal

Superintendent

1. Promote a safe, orderly and stimulating school environment. supporting active teaching and learning for all students regardless of race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background or any other difference.
2. Review with district administrators the policies of the Board and state and federal laws relating to school operations and management.
3. Inform the Board about educational trends relating to student discipline.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.
8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Maintain a climate of mutual respect and dignity for all students regardless of race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background or any other difference.
11. Report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention by orally notifying the principal, superintendent, or their designee not later than one (1) school day after they witness or receive a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background or any other difference.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
4. Collaborate with student teacher, administrator, and 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.
5. Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Maintain a climate of mutual respect and dignity for all students regardless of race, gender identity, religion, sexual orientation, the languages they speak, learning differences, background or any other difference.
10. Report incidents of, or symbols related to, discrimination, harassment and/or bullying that are witnessed or otherwise brought to their attention by orally notifying the principal, superintendent, or their designee not later than one (1) school day after they witness or receive a report of such acts, and by filing a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

5300.25 Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents/guardians have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting.

A student's dress, grooming and appearance shall be safe, does not promote harassment of others, does not disrupt, or interfere with the educational process.

Each Building Principal or their designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be addressed privately and will be required to modify their appearance by covering or removing the offending item, and if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

5300.30 Behavior Concerns, Violations and Responses Factors Used for Determining Disciplinary Responses

All students are expected to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may grow in self-discipline.

5300.35 Reporting Violations

All students are expected to promptly report violations of the code of conduct to a teacher, guidance counselor, the Assistant Principal, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol, or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee or the Superintendent of Schools.

All district staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code of conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution.

The Principal or their designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the Principal or their designee learns of the violation.

The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the code of conduct and constituted a crime.

Reporting Discrimination, Harassment and/or Bullying:

All students who are witnesses to, or subjected to, incidents of discrimination, harassment and/or bullying by another student, by any District staff and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to the Dignity Act Coordinator, a teacher, guidance counselor, the building principal or his or her designee.

All parents and/or visitors who are witnesses to, or receive a report of, a violation of the code of conduct or discrimination, harassment and/or bullying by a student, by a District staff member and/or by any other visitor on school property or at a school function, are expected to promptly report the matter to District staff.

School employees who witness discrimination, harassment and/or bullying, or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one (1) school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two (2) school days after making an oral report.

The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of discrimination, harassment and/or bullying, and ensure that such investigation is completed promptly after receipt of any written reports.

When an investigation verifies a material incident of discrimination, harassment and/or bullying, the superintendent, principal, or designee shall take prompt action, reasonably calculated to end the discrimination, harassment and/or bullying, 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.

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

The principal shall provide a regular report, at least once during each school year, on data and trends related to discrimination, harassment and/or bullying to the superintendent.

Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of discrimination, harassment and/or bullying.

It is essential that all targets and persons with knowledge of incidents of discrimination, harassment and/or bullying report such behavior as soon as possible after the incident so that it may be effectively investigated and resolved. The Somers Central School District will promptly and equitably investigate all complaints, formal or informal, verbal or written. In order to assist investigators, individuals should document any incident of discrimination, harassment and/or bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident. If, after appropriate investigation, the Somers Central School District finds that a student, a District staff member or a third party has violated the code of conduct, prompt corrective action and possibly disciplinary action will be taken in accordance with this code of conduct, applicable collective bargaining agreements, District policy and state law.

5300.40 Disciplinary Penalties, Procedures and Referrals

The Somers Central School District is committed to restorative approaches as an integral component of progressive discipline. Restorative approaches can be used both as prevention and intervention measures. The most critical function of restorative practices is restoring and building relationships.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks key questions:

What happened?

Who was harmed or affected by the behavior?

What needs to be done to make things right?

How can people behave differently in the future and what can be learned from this experience?

School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

When determining disciplinary responses, school principals must base each building's response off the process outlined in this document. In determining how to address behavior that violates this code, it is necessary to evaluate the totality of the circumstances surrounding the behavior. The following is a list of circumstances that may be considered when determining appropriate disciplinary responses:

- age and maturity of those involved
- disciplinary records of prior misconduct
- prior interventions
- the nature, scope and severity of the behavior
- the context in which the violating conduct occurred
- the scope of impact of the behavior on the school community
- the frequency and duration of the behavior

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. This general rule does not prevent the District from imposing severe disciplinary measures in the first instance of a student's serious misconduct. If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code of conduct for disciplining students with a disability or presumed to have a disability.

When and Where This Code Applies

This, and building specific codes, apply to incidents that occur:

- In school and on school property at any time
- While traveling in school vehicles
- At school sponsored events, regardless of location
- At non-school events and online when such behavior can be demonstrated to negatively impact the educational process or endanger the health, safety, morals, or welfare off the school community.

Disciplinary Procedures

The amount of due process a student is entitled to receive before a response is imposed depends on the response being imposed. In all cases, regardless of the response, the school personnel authorized to impose the response must inform

the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, Building Administrators and the Superintendent may use after school detention as a penalty for student misconduct at the discretion of the teacher, Building Administrators or Superintendent. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from Transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is authorized to give the student an oral warning, a written warning, and/or written notification to the parent. Additionally, the bus driver will notify the student's building principal that the bus driver has imposed one of these forms of discipline. Students who become a serious disciplinary problem may have their riding privileges suspended by the Assistant Principal, Principal, Director of Transportation or the Superintendent or their designees.

In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Principal or the Principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra-curricular activities and other privileges

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the Board authorizes Assistant Principals, Principals and the Superintendent to place students who would otherwise be suspended from school as the result of a code of conduct violation in 'in-school suspension.' Whether to impose in-school suspension in lieu of an out-of-school suspension will be made on a case by case basis and will be made at the sole discretion of the Building Principals.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved.

5. Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the Principal's office for the remainder of the class time only; or (4) sending a student to a

guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code of conduct, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or ongoing threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24-hours.

The teacher must complete a district-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the Principal or another district administrator designated by the Principal must notify the student's parent, in writing, that the student has been removed from class and why. A "Principal's designee" for the purposes of teacher removal of disruptive students may only be another school district administrator. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the Principal or the Principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal, at the last known address for the parent. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The Principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the Principal or the Principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal or Principal's designee.

The Principal or the Principal's designee may overturn the removal of the student from class if the Principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code of conduct.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The Principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the Principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his/her class. The Principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the Principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from School

Suspension from school is a severe penalty, which 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 for the suspension of students with the Superintendent and the Principals.

Any staff member may recommend to the Superintendent or the Principal that a student be suspended. All staff members must immediately report and refer a violent student to the Principal or the Superintendent for a violation of the code of conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The Superintendent or Principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short term (five days or less) Suspension from School

When the Superintendent or Principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the Principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. The notice shall inform the parents that at the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the Principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the

academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

The Principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can provide specifics as to extraordinary circumstances that precluded them from doing so. The Board shall render a written decision regarding the parents' appeal within 30 days. Only final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

b. Long term (more than five days) Suspension from School

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the district clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board will render a written decision within 30 days. The Board may adopt in whole or in part the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner of Education within 30 days of the decision.

c. Permanent Suspension

When the superintendent or building principal determines a permanent suspension may be warranted, he or she shall follow the same procedures as set forth above for a long-term (more than 5 days) suspension.

Permanent suspension is reserved for extraordinary circumstances such as where 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

d. Procedure After Suspension

The Board may condition a student's early return from a suspension on the student's voluntary participation in counseling or specialized classes, such as anger management or dispute resolution. The Board retains discretion in offering this opportunity. If and when the student and/or parent/guardian agrees to this option, the terms and conditions shall be set forth in writing and agreed to, in writing, by the Board and the student and parent/guardian.

Minimum Periods of Suspension

1. Students who bring or possess a weapon on school property

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

1. The student's age.
2. The student's grade in school.
3. The student's prior disciplinary record.
4. The Superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing or possessing a weapon on school property

Any student, other than a student with a disability, who is found to have committed 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 the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code of conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law § 3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

Referrals

1. Counseling

The Guidance Office shall handle all referrals of students to counseling.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The Superintendent shall refer any pupil under the age of sixteen, who has been determined to have brought a weapon or firearm to school in violation of Education Law §3214, to a presentment agency for a juvenile delinquency proceeding consistent with article three of the family court act (except a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision fort-two of section 1.20 of the criminal procedure law). Further, the superintendent shall refer any pupil sixteen years of age or older, or a student fourteen or fifteen years of age who qualifies for juvenile offender status under subdivision forty-two of section 1.20 of the criminal procedure law, who has been determined to have brought a weapon or firearm to school in violation of Education Law §3214, to the appropriate law enforcement officials.

Levels of Response

Level 1

Level 1 responses are intended to interrupt unsatisfactory behaviors that disrupt the learning or social environment and teach skills so students can learn how to positively impact the environment and demonstrate safe and respectful behavior.

Examples of level 1 responses in classrooms are:

- Positive directives that state explanations
- positive and specific feedback to students
- increase teacher proximity
- verbal prompt redirection and or correction
- student teacher conference
- use of restorative questions
- restorative conference
- family conference
- classroom based behavior plan
- reflection activity

examples of level 1 responses out of the classroom are:

- reflection activity
- check-ins with school building staff
- mandatory mentoring
- peer mediation
- conflict resolution conference
- referral to school-based health or mental health providers
- service to the school community

Level 2

Level 2 responses may be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student or others

examples of level 2 responses in the classroom are:

- increased teacher proximity
- verbal prompt redirection and correction
- reminders and redirection
- student teacher conference
- development of classroom behavior plan
- family conference
- restorative conference
- peer mediation
- collaborative family conference
- referral to DASA coordinator
- referral to the Dean
- reflection activity

examples of level two responses out of the classroom are:

- mandatory mentoring
- referral to school-based health or mental health providers
- service to the school community
- trauma assessment team
- DEI intervention team
- conflict mediation
- mentoring and coaching
- detention
- in school suspension
- out of school suspension

Level 3

Level 3 responses are appropriate when a student is removed from the learning environment do to egregious and/or repeated violations to the behavior code, or who have participated in behavior that is harmful to the learning environment of others. The application of interventions and responses contained in level 3 is at the discretion of the administration.

Examples of Level 3 responses are:

- conflict resolution conference
- referral to school-based health or mental health providers
- parent conference
- in school suspension up to three days with family guardian notification of due process rights
- conference with principal and student
- behavior support specialist team consultation
- functional behavior assessment and behavior intervention plan development
- up to three days out of school suspension
- detention
- suspension from transportation

Level 4

Level 4 responses are appropriate when a student's behavior is severe and or repeated and poses a significant threat to the learning environment for self or others. The application of interventions and responses contained in is at the discretion of the administration.

examples of level 4 consequences include all contained in level three in addition to:

- Up to five days out of school suspension with superintendent hearing
- long term suspension from transportation
- comprehensive student success meeting

Behavior Violation	Level 1	Level 2	Level 3	Level 4	SRO	Notes	Interventions	Consequences
	Staff Intervention	Dean Intervention	Building Admin Intervention	District Admin Intervention				
Absences								
Late or cutting class	•	•				Classroom teacher will inform the Dean and Attendance personnel		
Truancy - more than 7 consecutive absences	•	•						
Habitual truancy absent more than 20 days	•	•			•	Classroom teacher will inform the Dean, Attendance personnel and Social Worker		
Academic Honesty								
Plagiarism, copying another's work, cheating or altering records	•	•				See Academic Honesty Policy		
Substance Abuse								
Under the influence			•	•	•	School staff refers student to school nurse and Parents immediately notified	May include counseling session with the Student Assistance Counselor	Up to 5 day suspension w/ Superintendent hearing
Using tobacco, alcohol, illicit drugs, e-cigarettes or vapes			•	•	•			
Possessing			•	•	•			
Distributing or selling			•	•	•	Parents immediately notified		
Destruction/Defacing of Property								
Vandalism (<i>graffiti, littering</i>)								
Littering	•							
Unauthorized use of school property								
Trespassing								
Starting a fire			•	•	•	Principals must complete NYSED Office of Facilities Planning <i>Fire Incident Report Form 2014</i>		
Bias incidents								
Based on Race, Ethnicity, Gender, Sexual Orientation, Disability or Religion, Cyber-harassment Against Members of the School Community								
Use of Hate Speech/Symbols			•	•			May include counseling sessions with the Diversity Equity & Inclusion Coordinator and participation in Restorative Practices	Up to 5 day suspension w/ Superintendent hearing
Bias Based Harassment			•	•				
Very serious incident that is life-threatening, seriously harmful or personally damaging to the person who is targeted				•	•	DASA investigation may be warranted		
Bomb Threat								
Making threats or providing false information about the presence of explosive materials or devices on school property			•	•	•	Superintendent Suspension		
Bullying/ Harassment- Verbal, Physical and Electronic								
<i>Please note that consequence of bullying extends to threats on social media</i>								
Intentional conduct (including verbal, physical or written conduct) or electronic communication that is targeted	•	•				DASA Investigation is required/Possible Superintendent Suspension		
Persistent and repeated incidents of bullying targeted at same person or group		•	•					
Intentional conduct (including verbal, physical or written conduct) or electronic communication that is threatening		•	•		•			
Very serious incidents that are seriously harmful or personally damaging to the person or group who is targeted				•	•			
Classroom Distraction								
Any behavior that is disruptive to the classroom environment	•	•						
Damage to Personal or School Property								
<i>Monetary value may impact the severity of consequences</i>								
Minor damage	•	•						
Damage to another person's or school property		•	•		•	Suspension		
Damage to another person's or school property			•	•	•	Restitution is permitted is required and not in lieu of suspension		

Behavior Violation	Level 1	Level 2	Level 3	Level 4	SRO	Notes	Interventions	Consequences
	Staff Intervention	Dean Intervention	Building Admin Intervention	District Admin Intervention				
Inappropriate use of Social Media								
Use of cell phone without teacher permission	•	•						
Use of electronic devices that lead to the threat of harm to another person		•	•			Students with parent(s) who are in the military and deployed overseas may keep their cell phones on during school hours		
Recording or publishing a fight		•	•		•	DASA investigation may be warranted		
Use of electronic devices for which it is determined that such use directly causes physical or emotional harm to another person			•	•				
False Activation of Alarms								
Intentional false activation of an alarm			•			If the fire alarm is activated the fire department must be notified and they have jurisdiction until event/source is investigated		
Fighting								
Physical aggression with another student		•	•				May include counseling sessions and participation in Restorative Practices	Up to 5 day suspension w/ Superintendent hearing
Fighting			•	•	•			
Fighting with serious bodily injury				•	•			
Gambling								
Requires the use of money or exchangeable goods	•	•						
Hallway Misbehavior								
Running, making excessive noise, loitering, or persistent hall-walking	•	•						
Inciting or Participating in Disturbance								
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption (such as a riot)			•	•	•	A large disruption is defined as a disruption which causes the principal to initiate emergency procedures and prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and poses a serious and grave threat to the safety of large numbers of students		
Using an electronic device to bring others to initiate or engage in a disturbance		•	•	•	•	Documentation of Emergency Procedures must be submitted to the Superintendent's Office		
Leaving Classroom or School without Permission								
Leaving classroom or school without permission	•	•						
Non-Compliance								
Failure to comply with school rules, regulations, policies, or procedures	•	•						
Failure to follow directions	•	•				Nonviolent/ nonphysical		
Failure to respond to school staff directives, questions, or requests	•	•						

Behavior Violation	Level 1	Level 2	Level 3	Level 4	SRO	Notes	Interventions	Consequences
	Staff Intervention	Dean Intervention	Building Admin Intervention	District Admin Intervention				
Physical Contact								
Unintentional physical contact with school personnel	•	•						
Unintentional striking a staff member who is intervening in a fight or other aggressive behavior		•	•					
Intentional physical attack on school personnel			•	•	•			
Offensive touching, poking, pushing, shoving or physical intimidation of school personnel or student		•	•					
Public Space Misconduct								
Public space misconduct		•	•	•		Conduct which prevents others from moving through spaces, disrupts the educational process for students and/or poses serious threat to the safety of large numbers of people		
Robbery								
Taking money or property from another by force			•	•	•			
Sexual Offenses								
Sexual Assault				•	•	School staff is required to refer students to appropriate counseling		
Sexual harassment (e.g., inappropriate verbal or written conduct of a sexual nature)			•	•	•	Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police		
Sexual harassment (e.g., inappropriate physical conduct of a sexual nature)			•	•	•			
Sexual misconduct (e.g. engaging in sexual activity, etc.)			•	•	•			
Tardiness								
Excessive tardiness to class or school	•	•						
Technology Acceptable Use Policy Violation								
Violation of SCSD Technology Acceptable Use Policy	•	•				Refer to the district website at www.somersschools.org for details on this policy. Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police		
Theft								
Under \$500		•	•			Restitution is permitted in lieu of suspension; restitution may be in the form of monetary restitution or the student's assignment to a school work project		
Over \$500			•	•	•			
Threat Against School Personnel, Written or Verbal								
Verbal or written threat against school personnel or school community			•	•	•			
Tobacco								
Use or possession	•	•				School staff is required to refer student to appropriate substance abuse counseling		

Behavior Violation	Level 1	Level 2	Level 3	Level 4	SRO	Notes	Interventions	Consequences
	Staff Intervention	Dean Intervention	Building Admin Intervention	District Admin Intervention				
Verbal Aggression Against School Personnel								
Name calling, insults, making inappropriate gestures, symbols, or comments, or using profane or offensive language	•	•						
Confrontational and aggressive arguing	•	•						
Confrontational or aggressive arguing that repeatedly impacts the school environment and persists after interventions have been put in place			•			Documented Intervention		
Misleading or giving false information to school staff	•	•	•					
Weapons, Firearms, Explosives								
Verbal or written threat involving weapons against school community				•	•	Weapon must be present		
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code; e.g., handguns, rifles, shotguns, and bombs)				•	•	Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by the Superintendent of Schools.		
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, etc.)				•	•			
Possession of weapons (knife, mace, etc.)			•	•	•			
Instruments or objects used as weapons with intent to cause injury			•	•	•			
Explosives (possession, sale, distribution, detonation, or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substance or articles, other than a firearm)			•	•	•			

• SRO MAY BE CALLED

• SRO MUST BE CALLED

The District recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences for their conduct.

Students may be subject to disciplinary action, up to and including suspension from school, as set forth in the following chart. Please note, this chart is for general guidance purposes only—the ultimate determination of the appropriate level of response for a behavioral violation or violations will be made by the appropriate administrator.

School Intervention Team Members

DEI Coordinator/Leader; Administrator; Dean of Students; SEL Representative; Special Education Representative; Teaching Assistant; SRO; Teacher; Nurse, Other (particularly at-risk youth staff)

5300.45 Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student.

5300.50 Discipline of 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 and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code of conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself/herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current

individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the district (BOCES) Superintendent of Schools or a Principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
 - b. The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
 - c. The Superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
 - d. The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon while at school, on school premises or at a school function under the district's jurisdiction, has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function under the district's jurisdiction.
 - (1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - (2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - (3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
 - (4) "Serious bodily injury" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.
3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a

time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. for more than 10 consecutive school days; or
 - b. for a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, including based on a pattern of suspensions or removals, if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, the infliction of serious bodily injury, or illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:
 - a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, the infliction of serious bodily injury, illegal drugs or controlled substances.

If, subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, the infliction of serious bodily injury, illegal drugs or controlled substances or because maintaining the student in his current educational

setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The Superintendent, Principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:
 - (1) The student's parent has not allowed an evaluation of the student; or
 - (2) The student's parent has refused services; or
 - (3) Conducted an individual evaluation and determined that the student is not a student with a disability, or
 - (4) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the nondisabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, the infliction of serious bodily injury, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of nondisabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES. Students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - (1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, the infliction of serious bodily injury, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - (2) If school personnel propose to change the student's placement after expiration of an IAES placement during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.
2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within 5 business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The Superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

Suspensions

The minimum suspension period for acts that would qualify the pupil to be defined as a violent pupil pursuant to Education Law §3214(2-a) (a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other State and Federal law.

5300.55 Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

5300.60 Student Searches and Interrogations

The Board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent of Schools, Building Principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district code of conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant and/or upon reasonable suspicion that the search will turn up evidence that a law or school rule has been violated. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks and other School Storage Places

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

B. Strip searches

A strip search is a search that requires a student to remove any or all of their clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the Superintendent or the school attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another district professional employee who is also of the same sex as the student.

In every case, the school official conducting a strip search must have probable cause - not simply reasonable cause - to believe the student is concealing evidence of a violation of law or the district code. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent could not be reached by telephone.

C. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the code of conduct and/or policy 5695, Student Use of Electronic Devices. Teachers and administrators are permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators may search the cell phone further based upon reasonable suspicion that the search will turn up evidence that a law or school rule has been violated. However, teachers and administrators are advised to conferring with the Superintendent or school attorney for guidance before undertaking a more extensive search.

D. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

E. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or

Before police officials are permitted to question or search any student, the Principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

F. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. The Principal or designee shall set the time and place of the interview. The Principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker, peace officer, police officer or law enforcement official may not remove a student from school property without a court order and without prior consent of the parent/guardian, unless that person reasonably believes that the student cannot return to, and continue in, the student's place of residence or the care/custody/control of the student's parent/guardian due to threat of, or imminent danger to, the child's life or health.

5300.65 Visitors to the Schools

The Board recognizes that the success of the school program depends, in part, on support by the larger community. The Board wishes to foster a positive climate where members of the community have the opportunity to observe the hard work and accomplishments of the student, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the school must enter through the designated single point of entry and report to the Visitors' Desk/Security Station upon arrival at the school. There they will be required to present photo identification, sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Security Station before leaving the building.
3. Visitors attending school functions that are open to the public after regular school hours, such as parent-teacher organization meetings or public gatherings, are not required to register.
4. Parents or citizens who wish to observe a classroom or school activity while school is in session are required to arrange such visits in advance with the classroom teacher(s) and Building Principal, so that class disruption is kept to a minimum.
5. Teachers are expected not to take class time to discuss individual matters with visitors.
6. Any unauthorized person on school property will be reported to the Principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code of conduct.

5300.70 Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including but not limited to students, teachers and district personnel, parents and community members.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

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

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass, or discriminate against any person, including, but not limited to, on the basis of actual or perceived race, color, creed, weight, national origin, religion, religious practice, age, gender (including gender identity and expression), sexual orientation or disability.
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles.
9. Possess, consume, sell, offer, manufacture, distribute or exchange alcoholic beverages, controlled or illegal substances or any synthetic versions (whether or not specifically illegal or labeled for human consumption), or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection. The District retains the right to ask for police intervention and assistance, where necessary, to effectuate such ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law § 3020-a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law § 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law § 75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The Superintendent, Principal or his/her designee and other district administrators shall be responsible for enforcing the conduct required by this code.

When the Principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Principal or designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

5300.75 Dissemination and Review

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of an age-appropriate, written in plain language, summary of the code to all students.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. 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.
4. Providing all new employees with a copy of the current code of conduct when they are first hired.
5. Making copies of the code available for review by students, parents and other community members.

6. Posting the complete Code of Conduct on the District's website.
7. Mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code of conduct. The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. Such a program will include a review of the Code, approaches to enforcement and proactive means of reinforcing positive student behavior. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

The Board 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 code of conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

5300.80 Glossary of Terms

For purposes of this code, the following definitions apply.

Bullying shall mean repeatedly inflicting physical pain or psychological distress on one or more students or employees. Bullying shall also mean purposeful written, verbal, nonverbal or physical behavior that is often characterized by an imbalance of power, including but not limited to any threatening, insulting, or dehumanizing gesture by an adult or student that has the potential to create an intimidating, hostile or offensive educational environment, to cause discomfort or humiliation, or to interfere unreasonably with the individual's school performance or participation. Bullying may involve but is not limited to teasing; threatening; intimidating; stalking; cyberstalking; cyberbullying; physical violence; theft; harassment; humiliation; social exclusion and/or destroying or damaging school property or the personal property of another. Bullying can take at least three forms: (a) physical which may include, but is not limited to, hitting, kicking, spitting, pushing, taking personal belongings; (b) verbal which may include, but is not limited to, taunting, teasing, name calling, making threats; and (c) psychological which may include, but is not limited to, spreading rumors, relational aggression, manipulating social relationships or engaging in social exclusion, extortion or intimidation.

Cyberbullying shall mean the repeated use of electronic information technology, including but not limited to email, text messaging, instant messaging, chat rooms, blogs, social networking sites, gaming systems and/or websites, by a group or individual to bully, harass, threaten, intimidate or inflict psychological distress upon one or more students or employees.

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 the context of employment, the term is 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.

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.

Disruptive student means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Emotional harm takes place in the context of "harassment or bullying" and 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.

Expectations Are expressions of a strong belief of what people are capable of doing and achieving. Expectations are normative and aspirational. They provide enduring guidelines for how we should present and express ourselves, how we should behave, how we learn and what we should achieve

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.

Gender means actual or perceived sex and shall include a person's gender identity or expression.

Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Harassment which may include 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 wellbeing; 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.

Such definition includes acts of harassment, including bullying, that occur: (i) on school property; and/or (ii) at a school function; and/or (iii) 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])

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

Hate Speech means abusive or threatening speech or writing that expresses prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds based on actual or perceived characteristic.

Hate Symbol: Can be but are not limited to pictures, symbols, words or actions. These symbols can provoke feelings of anger and fear with the intent to intimidate or convey hate and boas. These symbols can target race, color, national origin, ancestry, gender, gender identification and expression, religion, religious practice, age, disability, and/or sexual orientation.

Intimidation is defined as repeated “threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in written, verbal or physical conduct that threatens a person or group with harm, including intimidation through the use of epithets or slurs involving actual or perceived race, ethnicity, national origin, religion, religious practice, gender, sexual orientation, age or disability that substantially disrupts the educational process.”

Parent means parent, guardian or person in parental relation to a student.

School bus means every motor vehicle owned and operated by the Somers Central School District for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity and a motor vehicle privately owned and operated for compensation for the transportation of students, children of students, teachers and other persons acting in a supervisory capacity to or from school or school functions.

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.

School function means any school-sponsored extra-curricular event or activity, whether or not on school grounds."

Sexual orientation means actual or perceived heterosexuality, homosexuality or bisexuality.

Student with a disability means a student who, because of mental, physical or emotional reasons can only receive appropriate educational opportunities from a program of special education. This phrase does not include a student whose educational needs are due primarily to unfamiliarity with the English language, environmental, cultural or economic factors.

Violent student means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess, while on school property or at a school function, a weapon.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

Weapon means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb. A weapon is also any other device, instrument, material or substance that can cause physical injury or death, including when same is used to cause physical injury or death, whether or not such physical injury or death actually occurs.

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