

**ROCHESTER CITY SCHOOL DISTRICT  
CODE OF CONDUCT**

**[STUDENT SECTION]**

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**July 23, 2015**

## ACKNOWLEDGEMENT

This Code of Conduct is the product of a collaborative effort by parents, students, teachers, District staff, and community members seeking to make classrooms and schools in the Rochester Community School District safe, supportive, and joyful environments for teaching and learning.

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## PROMOTING POSITIVE STUDENT BEHAVIOR

The primary goal of student discipline is to engage and re-engage students in their educational work. Student discipline should encourage students to reflect on behavior that enables them to structure behavior productively and to support moral and ethical growth. Discipline should be governed by a desire for, and commitment to, a strong educational community based on deep and caring relationships and engagement in high-quality work.

### School Culture & Climate

School culture and climate have a profound impact upon students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students with a supportive environment in which to grow both socially and academically.

Schools are expected to take a proactive role in nurturing students' behavior. Providing a range of positive behavioral supports as well as meaningful opportunities for social-emotional learning fosters resiliency. Effective social-emotional learning helps students develop fundamental life skills, including: recognizing and managing emotions; developing care and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. When students develop these skills, they experience more positive relationships with peers, engage in more positive social behaviors and are less likely to engage in

#### STUDENT ENGAGEMENT

Student engagement is integral to creating a positive school culture and climate that fosters student' social/emotional growth and academic achievement. Providing students with learning that is culturally relevant and appropriate for each student's learning style, multiple opportunities to participate in a wide range of activities, and the chance to bond with caring, supportive adults can help prevent negative behaviors.

Examples can include: adjusting teaching methods to match student learning styles; providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of students' achievements in a range of academic and co-curricular areas; using corrective feedback; and developing school-wide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and supports they need to thrive.

misconduct.

Establishing a school-wide tiered framework of behavioral supports and interventions is essential to implementing progressive discipline. The goal of behavioral supports is to foster resiliency, help students understand and follow school rules, and support them in developing the skills they need to meet behavioral expectations, thus empowering them and others to participate fully in their learning communities.

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## GUIDING PRINCIPLES

### Right to High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should be used to help them engage in and realize that right, not to exclude students from school or otherwise deprive them of such an education.

### General Principles

School discipline policies shall be aimed at creating a positive school climate, supporting the social and emotional development of students, and teaching non-violence and respect for all members of the school community. By viewing social development as a critical aspect of discipline, RCSD schools shall anticipate and respond to school disciplinary matters in a manner that is consistent with students' sense of dignity and self-worth.

The purpose of discipline must be to build relationships in a learning community, by understanding and addressing the causes of behavior, resolving conflicts, repairing harm, restoring relationships and reintegrating students into the school community. To these ends, positive and culturally responsive attention, intervention, and support shall be provided to vulnerable families and youth at risk of being pushed out.

RCSD schools shall abide by the following general principles for the implementation of school discipline:

- **Principle #1 – Positive Relationships**

School safety and academic success are formed and strengthened when all school staff and students build positive relationships with each other and actively engage in each other's lives and learning.

- **Principle #2 – Fairness and Consistency**

School staff should promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently promoting positive behavior.

- **Principle #3 – Engaging Instruction and Effective Classroom Management**  
Effective and engaging instruction and classroom management are the foundation of effective discipline.
- **Principle #4 – Prevention and Intervention**  
School discipline is best accomplished by focusing on building relationships and engagement, thus preventing misbehavior before it occurs, and by using effective interventions after it occurs.
- **Principle #5 – Discipline with Guidance**  
School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting students re-engaged in learning.
- **Principle #6 – Maximize Learning and Minimize Removal**  
Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms.
- **Principle #7 – Exclusionary Discipline as a Last Resort**  
Disciplinary use of In-School Suspensions, Out-of-School Suspensions, Expulsion, Referrals to Alternative Schools and School-Based Arrests should be minimized and only used as a last resort.
- **Principle #8 – Student Supports**  
Schools must utilize guidance interventions and other appropriate support services to provide effective discipline and guidance to students, including and especially those returning from exclusionary discipline to maximize their ability to meet social and academic standards within the school community.
- **Principle #9 – Limited Role of Law Enforcement**  
Police must not be involved in issues of student discipline and may only be requested to help schools manage issues that involve alleged criminal conduct.
- **Principle #10 – Address Racial Disparities in School Discipline**  
Systemic racial inequities that persist in the administration of school discipline must be acknowledged and the District and its schools must eliminate institutional racism and



other forms of discrimination or bias that present barriers to student success and that contribute to making the school experiences of students predictably different based on their race.

- **Principle #11 – Non-Discrimination**

School discipline must be implemented without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability.

- **Principle #12 – Due Process**

Effective discipline can only be implemented with profound respect for the due process rights of students and parents, consistent with New York State Education Law § 3214 and the U.S. Constitution, and including, but not limited to, the right to notice of any penalty to be imposed on a student and an opportunity to present a student's version of the facts.

- **Principle #13 – Training**

To address the over-reliance on punitive disciplinary measures, the District and every school in the District shall support and allocate resources for regular, robust training of teachers, administrators and school staff on classroom management, conflict resolution, and other non-punitive approaches to discipline.

- **Principle #14 – School-Level Policy**

School-level rules and Codes of Conduct must be consistent with this Policy and both approved by the Superintendent or a designated District official and distributed to students and parents/guardians in a manner consistent with this Policy.

- **Principle #15 – Distribution of Policy**

Students and parents must be well-informed of school discipline policies and the District shall distribute a copy of this Policy to all students and their parents/guardians in a language they can understand and post the Policy on the District web site and in an easily visible place within each school.

- **Principle #16 – Family Engagement**

School staff will keep parents/guardians informed of their children's behavior, enlist them as partners in addressing areas of concern, and always inform them directly when exclusionary discipline is called for.

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## FAMILIES AS PARTNERS

Students, parents, and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. Routine outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.

To ensure that parents become active and involved partners in promoting safe and supportive school environments, they must be familiar with the Code of Conduct. School officials are responsible for sharing the information in this document with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Code and how best to work with the school to support their children's social-emotional growth. Educators are responsible for informing parents about their children's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their children's teacher and other school staff issues that may affect student behavior and strategies that might be effective in working with the student.

It is important that there is robust consultation and communication between the school and the home. Guidance conferences attended by the principal or his/her designee, a guidance counselor, the student's parent(s), and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate. Parents who want to discuss guidance interventions in response to student behavior should

### ATTENDANCE

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention, and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school personnel must meet with the student and parent in order to determine needed supports and an appropriate course of action, which may include, but is not limited to: guidance intervention, referral for counseling, and/or referral to after-school programs.

The school's Attendance or Pupil Personnel Committee should review cases of chronic absenteeism, classroom removals, and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers, and other school staff in facilitating a resolution.

contact their children's school, including the Parent Liaison, or, if necessary, the Office of Parent Engagement.

In the event a student engages in significant inappropriate behavior, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime and the police are called, the parent must be contacted.

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## RIGHTS & RESPONSIBILITIES

The District commits to creating in schools learning communities in which all members are understood to be growing, caring, respectful people. To that end, all members should have the right to expect:

1. An environment that deeply supports teaching and learning.
2. Fair and respectful treatment throughout the community, with full opportunity to be heard.
3. Non-discrimination and equal treatment with respect to all school activities.
4. Open and transparent communication and explanation of school procedures, rules, and policies.
5. Commitment throughout the school to policies aimed at growth as a learning community and at growth of each individual member of the community.

The **Dignity for All Students Act (Dignity Act)** requires that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and continued at school.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as "cyber-bullying."

The specific rights and responsibilities for students, parents, principals and staff, as well as the specific responsibilities of the school board, superintendent, and the entire Rochester City School District are located in Appendix \_\_\_.

## PREVENTION, INTERVENTION & PROGRESSIVE DISCIPLINE

### Universal Prevention

A district-wide, whole school approach to promoting positive behavior is the foundation to building and maintaining a positive culture within each school. A universal youth development prevention framework that is consistent, pro-active and builds on the strengths of all students, adopted district-wide and implemented within each school and classroom provides prevention supports to all students. Prevention strategies incorporated into classroom daily activities and integrated into curriculum reinforces and supports relationship building, strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and forms the foundation for a discipline framework. Decades of research, theory and now practice knowledge reveals that creating high quality active and reflective developmental experiences for all children and youth based on prevention and positive youth development promotes success in school, more time on task, reduces barriers to learning and maximizes time spent in the classroom.

### Intervention

Responding to problem behaviors through early, systematic interventions when problems are first identified can prevent escalation and repeat occurrence of problem behaviors. Smaller interventions are attempted and, if unsuccessful, more intensive interventions are brought to bear. All interventions should connect to the norms, principles, expectations and strategies that the district and school-wide prevention framework focuses on so children can reflect on their actions and link back to the universal prevention strategies being developed and taught.

## Progressive Discipline

Understanding discipline as a “teachable moment” is fundamental to RCSD’s approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability, learning, and behavioral change.

### WHEN AND WHERE THIS DISCIPLINE CODE APPLIES

The standards set forth in the Discipline Code apply to behavior:

1. In school during school hours
2. Before and after school, while on school property
3. While traveling on vehicles funded by RCSD
4. At all school-sponsored events
5. Off school grounds or outside regular school hours that results in a significant disruption to the school environment.

Progressive discipline aims at creating recurring learning opportunities around behavioral, moral, and ethical issues. By so doing, it can prevent recurring negative behaviors by helping students learn from their mistakes. Implementing progressive discipline requires that school staff help students who have engaged in misconduct:

- Understand the harm the behavior caused.
- Understand why the behavior occurred and what they could have done differently in the same situation
- Take responsibility for their actions
- Use the opportunity to repair the harm, to rebuild relationships, and to learn strategies and skills to use in the future
- Understand the progression of more stringent consequences if the behavior reoccurs.

This Code of Conduct outlines interventions and consequences that teachers and administrators should use in responding to student behaviors.

## Guidance Interventions and Disciplinary Responses Matrix

The RCSD Code of Conduct to Support Student Learning holds students accountable for their behavior. Misconduct is grouped into four levels based on the seriousness of the behavior. Each level contains a variety of interventions and consequences for school staff to use in

response to the student behavior. The Code of Conduct provides graduated accountability measures for students who engage in repeated behaviors despite prior interventions or consequences. The Guidance Interventions and Disciplinary Response Matrix is in Appendix X.

Under this matrix, school staff respond to student behaviors with guidance interventions and, depending on the circumstances, disciplinary responses. School staff can choose one of many guidance interventions to help students improve their behavior. At all Levels, students may receive a non-disciplinary referral to support staff in the school building.

However, the Matrix intentionally limits the behaviors for which a student can receive a disciplinary exclusion, such as a classroom removal, short or long term suspension, or expulsion. Students are not suspended for any Level 1 or 2 behaviors and are not given a classroom removal for Level 1 behaviors.

Level 1	Uncooperative / Noncompliant Behavior	Classroom Interventions; Student Support Team Interventions
Level 2	Disorderly / Disruptive Behavior	Intensive Support Staff; Administrator Interventions and Responses
Level 3	Aggressive or Injurious / Harmful Behavior	Referral Interventions; Suspension Responses
Level 4	Seriously Dangerous or Violent Behavior	Referral Interventions; Extended Suspension Responses

**How to Use the Code of Conduct:  
Levels of Guidance Interventions and Disciplinary Responses**

In responding to misconduct, school staff should use the charts in Appendix X and X as follows:

1. School staff should locate that behavior on the Matrix.
2. On the first instance of any inappropriate or disruptive behavior, school staff shall utilize one or more interventions or disciplinary responses from the lowest level indicated on the Matrix for that behavior (or one or more interventions or disciplinary responses from a lower level).



3. If the same behavior is repeated during the same school year, school staff may utilize one or more interventions or disciplinary responses from the next highest level indicated on the Matrix for that behavior, or any lower level. If there is only one level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level.
4. School staff may not utilize interventions and disciplinary responses from those boxes that are shaded.
5. Staff is encouraged to use guidance interventions whenever possible

#### FACTORS TO CONSIDER TO DETERMINE DISCIPLINARY RESPONSES

1. Age, health, and disability or special education status of the student;
2. Appropriateness of student's academic placement;
3. Student's prior conduct and record of behavior;
4. Student's understanding of the impact of their behavior;
5. Student's willingness to repair the harm caused by their behavior;
6. Seriousness of the behavioral offense and the degree of harm caused;
7. The circumstances / context in which the conduct occurred;
8. Whether the student was acting in self-defense;
9. Whether the student's offense threatened the safety of any student or staff member;
10. Impact of the incident on overall school community;
11. The likelihood that a lesser intervention would adequately address the violation.
12. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.

#### EXAMPLE

> If a student displays disrespectful behavior and it is determined that an intervention or disciplinary response is needed, the teacher should utilize one or more interventions from Level One.

> If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two.

> If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One and Two. If the behavior occurs again, one or more interventions from Levels One and Two may again be utilized, but under no circumstances should interventions from Levels Three or Four (shaded in gray) be utilized.

Each level of infractions provides a set of possible guidance interventions as well as a minimum to a maximum range of possible disciplinary responses that may be imposed. School staff have

discretion in choosing which interventions and consequences within the level are appropriate but their discretion is guided by the following.

- Whenever possible and appropriate, the response to misconduct should begin with the lowest level of disciplinary response and should include appropriate guidance intervention(s).
- Whenever possible and appropriate, prior to imposing exclusionary discipline, school officials should exhaust less severe disciplinary responses and use guidance interventions.
- More severe accountability measures and intensive guidance interventions will be used with students who engage in a pattern of persistent misconduct.
- School staff must consider what factors contributed to the problem behavior and whether such behavior could be alleviated by helping the student understand deal with the factors causing the behavior.

### Restorative Approaches

School staff should take a restorative approach to addressing student misconduct. Restorative practices foster healthy relationships within the school community and promote positive discipline in schools by resolving conflicts, holding individuals and groups accountable, repairing harm, reducing and preventing student misbehavior, and addressing the needs of all parties involved. Some restorative practices precede student misbehavior and can be proactively used to prevent conflict and student misbehavior.

Restorative approaches can take many forms, but at their core, restorative approaches seek to find out what happened, who was harmed by the behavior, what needs to be done to make things right or repair the harm, and how people can behave differently in the future. Examples of restorative practices include but are not limited to talking to students about their actions, facilitated circles, and peer mediation.

For more detail, see Appendix X.

## Arrests and Referrals to Law Enforcement

Arrest or referral to law enforcement for school-based behavior should only be used as a last resort when there is a serious, actual threat to safety. Incidents should be resolved without the involvement of law enforcement whenever practicable. For actions that could involve a criminal investigation, every effort must be made to contact family/guardian and inform students of their rights.

School officials should use their discretion before notifying law enforcement, and should consider the following factors:

1. Age, health, and disability or special education status of the student;
2. Appropriateness of student's academic placement;
3. Student's prior conduct and record of behavior;
4. Student's understanding of the impact of their behavior;
5. Student's willingness to repair the harm caused by their behavior;
6. Seriousness of the behavioral offense and the degree of harm caused;
7. The circumstances / context in which the conduct occurred;
8. Whether the student was acting in self-defense;
9. Whether the student's offense threatened the safety of any student or staff member;
10. Impact of the incident on overall school community;
11. The likelihood that a lesser intervention would adequately address the violation.
12. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.

## Disciplinary Removals & Due Process

On rare occasions, a student may commit a serious behavior infraction that threatens the safety of others in the school community or seriously disrupts the school environment and need to be removed through a temporary classroom removal, suspension or expulsion. This type of removal does not include referrals to support staff in the school building.

There are four ways that schools can remove students for disciplinary reasons:

1. Temporary Classroom Removal (up to ½ day)
2. Short Term Suspension (1-5 days)
3. Long Term Suspension (More than 5 days)
4. Expulsion

In these cases, students are entitled to due process, which means that the school staff must take steps to investigate the incident and talk to the student before making the decision to remove them from school. Due process generally includes the right to receive notice of why a person is being removed from school and an opportunity for that person to tell his/her side of the story before a final decision is made. Parents must receive notice of the behavior and the discipline response. The longer the removal is, the more steps the school must take before removing a student. For a full list of what steps are required, see Appendix X.

## DATA COLLECTION

### Annual Data Collection & Review

Schools will annually review their discipline data and submit a written report. Schools and the District will make the following data and reports publically available. Based on the review, schools will make changes to their implementation Code of Conduct consistent with the intent of this and other policies.

The review will include the following:

- The total enrollment for the school
- Average daily attendance rate at the school
- Dropout rates for grades seven through twelve
- Average class size calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school
- The school's policy concerning bullying prevention and education
- Intervention and prevention strategies.
- Number of conduct and discipline code violations, including the following offenses, disaggregated by school, race, ethnicity, age, grade, disability, ELL status, LGBT status, and gender of the students, where available:
  - o Possession of a dangerous weapon
  - o Use or possession of alcohol, drugs or controlled substances, or tobacco products
  - o Willful disobedience or open and persistent defiance
  - o Conduct equal to first degree, second degree, third degree, or vehicular assault
  - o Behavior that is detrimental to the welfare or safety of other students or of other school personnel
  - o Willful destruction or defacement of school property
  - o Conduct equal to robbery
  - o Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record

- Differences in referrals among staff members.
- The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.

### School Climate and Discipline Oversight

The District will monitor school climate District-wide by:

- Conducting annual surveys of students and teachers on school climate and safety;
- Reviewing complaints received by school-based committees\* regarding discipline practices or the conduct of school security and school resource officers; and
- Developing, monitoring, and evaluating school discipline policies and practices District-wide

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## **ANNUAL REVIEW & REVISION PROCESS**

The Board of Education will review this Code of Conduct every year and update the policy as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the standards have been applied fairly and consistently.

The Board shall appoint an advisory committee to assist in reviewing the Code of Conduct along with school-level data, school-level data aggregated to illustrate any trends, and District-level data. The committee will be made up of representatives of student, teacher, administrator, parents and community-based organizations, school safety personnel and other school personnel. Revisions to the Code of Conduct will be made only after at least one public hearing, which provides for the participation of school personnel, parents, students and any other interested party.

The committees shall submit their findings and any recommendations to the Board of Education and Superintendent on at least twice per school year.

The District shall post the complete Code of Conduct on the District website.

**APPENDIX -**

**Rights & Responsibilities**

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## Students' Rights & Responsibilities

The District is committed to upholding students' rights in accordance with the following.

Students are also expected to fulfill their responsibilities to fully participate in their education as outlined below.

RIGHTS	RESPONSIBILITIES
<p>1. To attend school in the District in which one's legal parent or legal guardian resided and receive a free and appropriate public education from age 5 to 21, as provided by law.</p>	<p>1. To attend school daily, regularly and on time, perform assignment, strive to do the highest quality work possible, be prepared to learn, and be granted the opportunity to receive a good education</p>
<p>2. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.</p>	<p>2. To be aware of all rules and expectations regulating student's behavior and conduct themselves in accordance with these guidelines.</p>
<p>3. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.</p>	<p>3. To respect everyone in the school community and to treat others in the manner that one would want to be treated.</p>
<p>4. To express one's opinion verbally or in writing.</p>	<p>4. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the right and privileges of others.</p>
<p>5. To dress in such a way as to express one's identity and personality.</p>	<p>5. To dress appropriately in accordance with the dress code.</p>
<p>6. To be afforded equal and appropriate educational opportunities, including access to extracurricular and afterschool programs.</p>	<p>6. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.</p>
<p>7. To take part in all school activities on a equal basis regardless of race, color, creed, religion, religious practices, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age marital status, or disability.</p>	<p>7. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.</p>
<p>8. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.</p>	<p>8. To be aware of the information and services and to seek assistance in dealing with personal problems, when appropriate.</p>

9. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school sponsored event, function or activity.
  10. To full protection of a student's rights under the U.S. Constitution while in school, including freedom from cruel and unusual punishment and excessive force.
  12. To freedom of speech and of the press and the right to petition and peacefully assemble with the purpose of improving the school, classroom, and/or learning environment.
  13. To due process, to be considered innocent until proven guilty, and to be free of searches of personal property by security, administration, or staff without reasonable cause, and to have their parent's notified if such searches occur.
  14. To organize with other students and self-represent in important school decision-making processes.
  15. To affordable and nutritious food in the school environment.
  16. To a fair and impartial grievance process to resolve student concerns with school staff
9. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination.
  10. To work together with classmates and school staff to maintain a positive school climate.
  11. To complete school work abiding by school rules on academic honesty.

## Parents' Rights & Responsibilities

The District is committed to working with parents' as partners in the education of their children.

RIGHTS	RESPONSIBILITIES
<p>1. Be actively involved in their children's education.</p>	<p>1. Make sure their children attend school regularly and on time and, when children are absent, let schools know why.</p>
<p>2. Be treated courteously, fairly and respectfully by all school staff and principal.</p>	<p>2. Be respectful and courteous to staff, other parents, guardians and students while on school premises.</p>
<p>3. Get information about the policies of the Rochester Board of Education and procedures that relate to their children's education.</p>	<p>3. Read and become familiar with the policies of the Board of Education, administrative regulations and the Code of Conduct.</p>
<p>4. Get regular reports, written or oral, from school staff regarding their children's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.</p>	<p>4. Tell school officials about any concerns or complaints in a respectful and timely manner.</p>
<p>5. Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by principals or school staff.</p>	<p>5. Work with principals and school staff to address any academic or behavioral problems their children may experience.</p>
<p>6. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.</p>	<p>6. Give updated contact information to Rochester Public Schools and their children's individual school.</p>
<p>7. Receive information from school staff about ways to improve their children's academic or behavioral progress, including but not limited to counseling, tutoring, after school programs, academic programs, and mental health services within Rochester Public Schools and the community.</p>	<p>7. Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework.</p>
<p>8. Receive information about services for students with disabilities and English language learners, when applicable.</p>	<p>8. Support Rochester Public Schools talking with their children about school and expected behavior.</p>

9. Receive communication through provided translators.

9. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Student Act.

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## Principals & Staff Rights & Responsibilities

Principals and school staff have unique obligations to students and parents in the educational setting.

RIGHTS	RESPONSIBILITIES
1. Work in a safe and orderly environment.	1. Maintain safe and orderly schools by using prevention and intervention strategies, and by following the Rochester Code of Conduct
2. Be treated courteously, fairly and respectfully by students, parents or guardians and other school staff.	2. Be respectful and courteous to students, parents and guardians, serving as role models for students.
3. Communicate concerns, suggestions and complaints office.	3. Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every day.
4. Receive supportive professional development and training.	4. Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently
5. Receive the necessary resources to deliver quality instruction.	5. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.
6. Modify instruction, if consistent with the policies of the Rochester Board of Education and with system regulations.	6. Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner and in a language they understand.
	7. Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
	8. Keep parents and guardians informed of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
	9. Provide makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.

10. Participate in required professional development opportunities.
11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
12. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
13. Address personal biases that may prevent equal treatment of all students in the school or classroom setting
14. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel, or other staff, to the building administrator and/or Dignity Act Coordinator (DAC), in a timely manner.
15. Principal: Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC).
16. To work together with students and parents to maintain a positive school climate.

## District Responsibilities

Rochester City School District acknowledges these universal obligations to the parents, students, and staff who make up the Rochester learning community.

### **Responsibilities**

- 1.** Create and implement policies and procedures that encourage safe and orderly schools for all students, school staff and principals.
- 2.** Protect the legal rights of school staff, principals, students and parents or guardians.
- 3.** Be courteous, respectful and fair with students, parents or guardians, school staff and principals.
- 4.** Provide a broad-based and varied curriculum to meet individual school needs.
- 5.** Inform the community, students, parents or guardians, school staff and principals about policies of the Board of Education.
- 6.** Ensure the protection of legal rights of students with disabilities.
- 7.** Provide staff who are trained to meet the needs of students.
- 8.** Provide support and professional development training to principals and school staff to help them support students.
- 9.** Support principal and school staff in the fulfillment of their disciplinary responsibilities as defined by the Code of Conduct.
- 10.** Contact and involve parents or guardians on disciplinary issues.
- 11.** Provide staff and students with the resources necessary to establish a positive school climate.

### Superintendent Responsibilities

Superintendents play a lead role in supporting school leaders as they strive to establish positive school climates.

#### **Responsibilities**

1. Promote a safe, positive, orderly, respectful and stimulating environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.
2. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
3. Inform the School Board about educational trends, including student discipline.
4. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
5. Work with District administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
6. Address all areas of school-related safety concerns.

### School Board Responsibilities

Superintendents play a lead role in supporting school leaders as they strive to establish positive school climates.

#### **Responsibilities**

1. Collaborate with students, teachers, administrator and parent organizations, school safety personnel, other school personnel and the community to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and other persons on school property and at school functions.
2. Adopt and review at least annually the Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
3. Assure that a Dignity Act Coordinator is appointed in each school building. The Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members.
4. Lead by example by conducting Board meetings in a professional, respectful, courteous manner. It is further expected that, the Board of Education will take appropriate measures where violations of the Code of Conduct occurs.



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**APPENDIX \_\_ -**

**Disciplinary Matrix**

## LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

### Universal Prevention for All Students

The District takes a whole school approach to promoting positive behavior. Social-emotional learning is infused into a culturally responsive curriculum that engages students. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes guidance services, opportunities for social-emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and motivate pro-social student behavior and positive connection to the school community. Restorative circles and other restorative practices are used regularly to build relationships, establish understanding and trust, and create community. The school has a system in place for early identification of students in need of intervention and/or support services.

	<b>Type of Intervention</b>	<b>Guidance Interventions</b>	<b>Disciplinary Responses</b>
<b>Level 1</b>	<p><b>Classroom Interventions and Responses.</b> These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these responses in a graduated fashion.</p>	<ul style="list-style-type: none"> <li>• Reminders and redirection</li> <li>• Verbal correction</li> <li>• Role Play</li> <li>• Parent or guardian contact</li> <li>• Written reflection</li> <li>• Written apology</li> <li>• Seat change</li> <li>• Daily progress sheet on behavior</li> <li>• Teacher/student conference</li> <li>• Buddy teacher system</li> <li>• Teacher/Parent or guardian conference</li> </ul>	<ul style="list-style-type: none"> <li>• In-class time out</li> <li>• Loss of classroom privileges</li> <li>• Detention</li> </ul>
	<p><b>Student Support Team Interventions.</b> These interventions often involve support staff, both school based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.</p>	<ul style="list-style-type: none"> <li>• Any of the above interventions</li> <li>• Parent or guardian accompanies student to school if parent agrees</li> <li>• Referral to building-wide support location</li> <li>• Referral to after-school program</li> <li>• Referral to Student Support Team</li> <li>• Referral to Mentoring program</li> <li>• Referral to school-based health or mental health clinic</li> <li>• Referral to community organization</li> <li>• Referral to substance abuse counseling</li> <li>• Change in schedule or class</li> <li>• Functional Behavioral Assessment and creation of a Behavior Intervention Plan</li> <li>• Referral to IEP or 504 team, or revision of IEP or 504 plan</li> <li>• Peer mediation</li> <li>• Restorative justice strategies, including service to school (see Appendix)</li> <li>• Conflict resolution</li> <li>• Community mediation</li> <li>• Community conferencing</li> </ul>	
<b>Level 2</b>	<p><b>Intensive Support Staff and Administrative Interventions and Responses.</b> These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these responses in a graduated fashion.</p>		<ul style="list-style-type: none"> <li>• Any of the above consequences</li> <li>• Reprimand by appropriate administrator</li> <li>• Loss of school privilege</li> <li>• Detention</li> <li>• Classroom removal (up to ½ day)</li> </ul>
<b>Level 3</b>	<p><b>Suspension and Referral Interventions and Responses.</b> These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these responses in a graduated fashion.</p>		<ul style="list-style-type: none"> <li>• Any of the above consequences</li> <li>• Short-term suspension (one to five days)</li> </ul>
<b>Level 4</b>	<p><b>Extended Suspension and Referral Responses.</b> These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these responses in a graduated fashion.</p>		<ul style="list-style-type: none"> <li>• Any of the above consequences</li> <li>• Long term suspension</li> <li>• Expulsion</li> </ul>

# INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

## KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place	Level 2: Intensive Support Staff and appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others	Level 3: Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses)	Level 4: Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety of others in the school		
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAYBE REFERRED TO SCHOOL POLICE
<b>Absences</b>					
• Unexcused absence from school	●				
• Persistent or excessive absence from school	●	●			
• Habitual truancy (i.e., unlawfully absence from school for a number of days in excess of 20 percent of any making period, quarter or year)	●	●			
<b>Academic Dishonesty</b> (i.e., cheating or plagiarizing)					
• Cheating or Plagiarism	●	●			
<b>Alcohol</b>					
• Under the influence		●			
• Using or possessing		●	●	●	
• Distributing or selling			●	●	
<b>Attack on Student</b> (i.e., hitting, kicking or punching another student without warning or provocation)					
• No injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes)		●			
• Bodily injury for pre-k to grade 4		●			
• Bodily injury for grades 5 to 12 (If administrators think Level 4 is warranted for students in grades 5 to 12, they must contact the _____ before giving Level 4 consequences.)			●	●	
<b>Bomb Threat</b>					
• Pre-k to Grade 4			●	●	
• Grades 5 to 12				●	

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**Level 4:** Request for Long Term Suspension – may be appropriate when student’s behavior seriously affects the safety of others in the school

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY BE REFERRED TO SCHOOL POLICE
<b>Bullying, Including Cyber-bullying and Gang-Related Incidents</b>					
<ul style="list-style-type: none"> <li>Intentional conduct (including verbal, physical or written conduct) or electronic communication that is threatening or seriously intimidating and substantially disrupts the orderly operation of a school</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Serious bullying (i.e., repeatedly over time engaging in intentional negative behaviors that adversely affect another student’s ability to participate in or benefit from a school’s education or extra-curricular programs)</li> </ul>		●			
<b>Bus Violation</b>					
<ul style="list-style-type: none"> <li>Minor disruption on the bus (i.e., eating, drinking, being too loud, standing)</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Serious disruption on the bus</li> </ul>		●	●		
<b>Class Cutting</b>					
<ul style="list-style-type: none"> <li>Failure to appear or attend a scheduled class</li> </ul>	●	●			
<b>Classroom Disruption</b>					
<ul style="list-style-type: none"> <li>Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students; and other behavior that distracts from student learning</li> </ul>	●	●			
<b>Defiance of Authority and/or Insubordination (nonviolent/nonphysical)</b>					
<ul style="list-style-type: none"> <li>Failure to follow directions</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Failure to respond to school staff questions or requests</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Failure to follow directions, leading to a potential threat of harm to another person</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Failure to follow directions that directly leads to the harm of others</li> </ul>	●	●	●		

# INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY BE REFERRED TO SCHOOL POLICE
<b>Disrespectful Behavior</b>					
• Making inappropriate gestures, symbols or comments, or using profane or offensive language	●	●			
• Using verbal insults or put-downs, or lying to, misleading or giving false information to school staff	●	●			
<b>Dress Code Violation</b>					
Refer to dress code standards listed on pages _____	●	●			
<b>Drugs or Controlled Substance</b> (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
• Under the influence		●			
• Using or possessing		●	●	●	●
• Distributing or selling				●	●
<b>False Activation of a Fire Alarm</b>					
• Pre-k to grade 4		●	●	●	
• Grades 5 to 12		●	●	●	

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY BE REFERRED TO SCHOOL POLICE
<b>Fighting</b>					
• Physical aggression with another student (e.g., shoving or pushing)	●	●			
• Minor fighting (may include incidents resulting in minor injuries)	●	●	●		
<b>Fire Setting/Arson</b>					
• Starting a fire; destruction of property as result of starting a fire		●	●	●	
<b>Gambling</b>					
• Requiring the use of money or exchangeable goods	●	●			
<b>Hallway Misbehavior</b>					
• Running, making excessive noise or loitering	●	●			
<b>Harassment Based on Race, Ethnicity, Gender, Sexual Orientation, Disability or Religion, Including Cyber-harassment, Against Members of the School Community</b>					
• Minor harassment (i.e., verbal discriminatory actions)	●	●			
• Serious harassment (i.e., persistent or long-term harassment)		●	●		
<b>Inciting or Participating in Disturbance</b>					
• 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		●	●	●	
• Using a personal communication device to attract others to initiate a disturbance		●	●	●	

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY BE REFERRED TO SCHOOL POLICE
<b>Inhalants</b>					
<ul style="list-style-type: none"> <li>Under the influence Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant.</li> </ul>		●	●		
<ul style="list-style-type: none"> <li>Using or possessing</li> </ul>		●	●	●	●
<ul style="list-style-type: none"> <li>Distributing or selling</li> </ul>				●	●
<b>Physical Contact with School Personnel</b>					
<ul style="list-style-type: none"> <li>Unintentional incidental physical contact with school personnel</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Attack against school personnel; physical attacking an employee of the Rochester City Public Schools or other adult, including striking a staff member who is intervening in a fight or other disruptive activity (pre-k to grade 4)</li> </ul>		●	●	●	
<ul style="list-style-type: none"> <li>Attack against school personnel (grades 5 to 12)</li> </ul>		●	●	●	
<b>Portable Electronic Devices Use at Unauthorized Times</b>					
<ul style="list-style-type: none"> <li>Use of cell phones, PDAs, iPods, electronic game devices On the first infraction, students must only be given a warning. Only after the first infraction can the student be subject to Level 1 responses. On the second infraction, parent notification must occur.</li> </ul>	●	●			
<ul style="list-style-type: none"> <li>Use of electronic devices that lead to the threat of harm to another person</li> </ul>	●	●	●		
<ul style="list-style-type: none"> <li>Use of electronic devices that directly cause harm to another person</li> </ul>		●	●	●	

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INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY BE REFERRED TO SCHOOL POLICE
<b>Property Damage, Including Graffiti</b>					
• Minor or accidental damage (less than \$50)	●	●			
• Intentional damage to another person’s or school property (\$50 to \$500)		●	●		
• Intentional damage to another person’s or school property (over \$500)		●	●	●	●
<b>School Equipment Use without Permission</b>					
• Use of computers, fax machine, phones, etc.	●	●			
<b>Serious Bodily Injury</b>					
• Intentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body				●	●
<b>Sexual Assault or Offense</b>					
• Forced sexual act				●	●
<b>Sexually-Based Infraction</b>					
• Sexual harassment (i.e., unwelcome sexual advances, requests for sexual favors; other inappropriate verbal, written or physical conduct of a sexual nature)	●	●	●		
• Sexual activity or sexual misconduct (i.e., indecent exposure, engaging in sexual activity, etc.) (pre-k to grade 4)	●	●			
• Sexual activity or sexual misconduct (grades 5 to 12)		●	●	●	



# INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

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<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4 *</b>	<b>MAY BE REFERRED TO SCHOOL POLICE</b>
<b>Verbal or Physical Threat to Student</b>					
<ul style="list-style-type: none"> <li>Threatening or aggressive language or gestures directed toward another student</li> </ul>	●	●	●		
<b>Weapons, Firearms and Explosives</b> (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
<ul style="list-style-type: none"> <li>Explosives (possession, sale, distribution, detonation or threat of detonation of any 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)</li> </ul>			●	●	●
<ul style="list-style-type: none"> <li>Firearms (possession of a firearm as defined in 18 USC 921 of the federal code – i.e., handguns, rifles, shotguns and bombs)</li> </ul>				●	●
<ul style="list-style-type: none"> <li>Other guns (possession of any gun, of any kind, loaded or unloaded, operable or inoperable, including any object that is a look alike of a gun, other than a firearm – i.e., BB guns, pellet guns, water guns, etc.)</li> </ul>		●	●	●	●
<ul style="list-style-type: none"> <li>Other weapons (possession of any implement which could cause bodily harm, other firearm, or other gun) 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 Rochester City Public schools’</li> </ul>			●	●	

## APPENDIX \_ -

# Restorative Approaches

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## Restorative Approaches

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

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 four 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?

## Types of Restorative Practices

**Circle Process:** Circles are effective as both a prevention and intervention strategy. Circles may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. A circle can also be used in response to a particular issue that affects the school. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

**Collaborative Negotiation:** Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

**Peer Mediation:** An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

**Formal Restorative Conference:** A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspective and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

## APPENDIX \_ -

### Due Process

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## Due Process Protections

### INVESTIGATIVE PROCEDURES

Where a student engages in conduct for which a suspension may be warranted and no positive interventions are sufficient to address the conduct, it is the responsibility of the principal or his/her designee to take the following investigative steps:

1. Question the victim and any other witnesses to the incident and obtain their signed written statements.
2. Review any documentary, photographic, or video evidence.
3. Inform the accused student of the misconduct of which he/she is being accused and provide the accused student with an explanation of the evidence.
4. Provide the accused student an opportunity to present his/her side of the event, to have any adult of the student's choosing, including legal representation, present while the student is presenting his/her side of the event, and inform the student and the student's parent that if he/she has been arrested or if a criminal, immigration, or juvenile delinquency investigation is pending, any statement, written or oral, can be used against the student in connection with a criminal, immigration, or juvenile delinquency investigation and/or proceeding, and/or a court of law.

### **Classroom Removal**

#### **Notice Requirement:**

Schools must provide the following notice to parents when a student is subject to a classroom removal:

- Notice of the classroom removal will occur by telephone, email, or other electronic means on the same day as the classroom removal;
- Written notice will occur within one school day from the classroom removal;
- Written notice will be in writing in the parent's native language; and will include a description of the incident, length of the classroom removal, and a statement that

parents can request a conference to discuss the removal; and

- The school will maintain a record of all classroom removals provided that such record shall not constitute part of the student's cumulative file.

### **Conference Requirement:**

At the parent's or student's request, the teacher and/or a school administrator will have a conference with parent and/or student.

- The school shall schedule the conference to occur within five school days of the parent's or student's request, unless the parent or student agrees to a later date.
- Actual notice of the conference date shall be provided to the parent and the student.

### **Short-Term In School or Out of School Suspension**

Short term suspensions are an extreme disciplinary measure to be used for behavior that cannot be dealt with using standard positive interventions. Short term suspensions shall not take effect until a preliminary interview, notice and conference occur in accordance with the following:

1. **Preliminary Interviews:** Where a student engages in conduct for which a suspension may be warranted, it is the responsibility of the principal or his/her designee to take the investigative steps and make a determination of possible discipline, including short term suspension if warranted under the circumstances. The principal or his/her designee shall take into account all of the factors listed in Section 3(B) when making a preliminary recommendation about a disciplinary action.
2. **Notice to Parent:**
  - a. Notice of the behavior and possible suspension will occur by telephone, email, or other electronic means on the same day as the determination to seek a suspension;
  - b. Written notice will occur within one school day from the determination to seek a suspension;
  - c. Written notice will be in the parent's native language;
  - d. That notice shall contain the following:

- i. a description of the incident including the section of the Code of Conduct the student allegedly violated;
- ii. length of the possible suspension;
- iii. a statement explaining the standard positive interventions and practices used, or if none were used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
- iv. a date for a conference with the principal to determine the appropriate response to the behavior;
- v. a copy of any documentary evidence related to the incident, including, but not limited to, witness statements, incident reports, and audio and video recording, that the school possesses regarding the incident, and a list of witnesses the school may present at the conference;
- vi. a statement of the student's and parent's rights written in plain language, including the right to bring an attorney or advocate; the right to interpretation of the conference by a qualified interpreter or someone of the parent's choosing; and the right to appeal;
- vii. a statement that if the child has been arrested or if a criminal or juvenile delinquency investigation or an immigration proceeding is pending, any statement, written or oral, can be used against the student a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a criminal, immigration, or juvenile delinquency investigation and/or proceeding, and/or in a court of law;
- viii. a list of free and low-cost attorneys and advocates in the area provided by the local bar association; and
- ix. the procedures for appealing the disciplinary decision.
- x. if any of the documentary evidence required by this subsection is not available at the time the notice is provided, the notice must include a list



of the missing documentary evidence. Any missing documentary evidence must be provided no later than 24 hours before the conference.

3. **Suspension Conference:**

- a. The suspension conference is an opportunity to assess the facts surrounding the incident for which a suspension is possible; determine whether a suspension is justified; collaboratively devise satisfactory solutions for the student's return to his or her program; and prevent further disruption of the student's education.
- b. The suspension conference shall be scheduled as soon as possible but no later than five school days from the date of the written notice.

c. **Suspension Conference Provisions:**

- i. Student and parent have the right to call witnesses and present documentary evidence; including audio and video recordings, and question persons involved in the incident.
- ii. Student and parent have the right to request the presence of witnesses who are school employees, safety or law enforcement personnel on campus, and other students, and the school shall take all reasonable steps to ensure their presence.
- iii. Student and parent have the right to representation by an attorney or an advocate.
- iv. Upon request of the parent or student, the school shall provide interpretation services in the parent's and student's native languages.
- v. Student and parent have the right to receive a written decision within 3 days of the conference.
- vi. If the principal determines short term suspension is warranted, the written decision shall include the length of suspension, findings of fact, the rationale for the decision; and procedures for appealing the decision, including the date by which the appeal must be submitted.
- vii. A written summary of the conference, which shall contain a description of the incident, a list of witnesses, and the outcome, shall be prepared,

maintained by the school, and provided to the parent upon request.

4. **Appeal of Short Term Suspension Decision:**

- a. Students and parents can appeal a short term suspension to the superintendent or equivalent person, provided that person was not involved in the initial decision to propose or impose the short term suspension. If that person was involved in the initial decision, the school must designate another person to hear the appeal.
- b. Any appeal must be filed within 30 days of receiving the decision following the suspension conference.
- c. The person deciding the appeal must provide a written decision within 10 days of receiving the appeal.
- d. The superintendent may reverse and expunge or uphold the suspension, but cannot impose a longer suspension or expulsion.
- e. The superintendent must reverse and expunge the suspension if:
  - i. The suspension was imposed for a behavior for which suspension is prohibited under Section III or the school's Code of Conduct.
  - ii. The school did not present sufficient evidence to meet its burden of proof.
  - iii. The school did not follow the due process procedures in this subsection.
  - iv. The suspension was not appropriate after consideration of the factors listed in Section X.
- f. The superintendent may reverse and expunge the suspension if:
  - i. The school did not impose graduated and proportionate discipline.
  - ii. The suspension was not appropriate given the facts as presented at the conference.

5. **Exception for emergencies:** If an emergency as defined in Section X occurs, a student may be removed immediately and the suspension conference shall follow as soon after the student's removal as practicable, but in no case more than 48 hours after the removal. If immediate emergency removal from school is necessary, the school shall

immediately notify the parent to determine the best way to transfer custody of the student to the parent.

### Long Term Suspension and Expulsion

Long term suspension and expulsion are extreme disciplinary alternatives to be used for behavior that cannot be resolved appropriately using standard positive interventions, a classroom removal, or a short term suspension. Long term suspensions and expulsions shall not take effect until an investigation, notice, and a hearing occur in accordance with the following:

1. **Investigation:** Where a student engages in conduct for which a long term suspension or expulsion may be warranted, the principal or his/her designee must investigate consistent with the requirements in Section X. The principal or his/her designee shall take into account all of the factors listed in Section X. when making a preliminary recommendation about a disciplinary action.

2. **Notice to Parent:**

Schools must provide the following notice when a long term suspension or expulsion is proposed:

- a. Notice of the behavior and possible suspension will occur by telephone, email, or other electronic means on the same day as the determination to seek a suspension;
- b. Written notice will occur within one school day from the determination to seek a suspension or expulsion;
- c. Written notice will be in the parent's native language;
- d. That notice shall contain the following:
  - i. a description of the incident including the section of the Code of Conduct the student allegedly violated;
  - ii. length of the proposed suspension;
  - iii. a statement explaining the standard positive interventions and practices used, or if none were used, why this is the case, and explaining why the

use of alternative exclusionary discipline may be justified under the circumstances;

- iv. a date for a hearing to determine if the proposed suspension or expulsion is appropriate;
- v. a copy of any documentary evidence related to the incident, including, but not limited to, witness statements, incident reports, and audio and video recordings, that the school possesses regarding the incident, and a list of witnesses the school may present at the hearing;
- vi. a statement of the student's and parent's rights written in plain language, including the right to bring an attorney or advocate; the right to interpretation of the conference by a qualified interpreter or someone of the parent's choosing; and the right to appeal;
- vii. statement that if the child has been arrested or if a criminal or juvenile delinquency investigation or proceeding or an immigration proceeding is pending, any statement, written or oral, can be used against the student  
a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a criminal, immigration, or juvenile delinquency investigation and/or proceeding, and/or in a court of law;
  - 1. a list provided by the local bar association of free and low-cost attorneys and advocates in the area; and
  - 2. the procedures for appealing the disciplinary decision.
- viii. If any of the documentary evidence required by this section is not available at the time the notice is provided, the notice must include a list of the missing documentary evidence. Any missing documentary evidence must be provided no later than 24 hours before the hearing.

### 3. Hearing:

- a. The hearing is an opportunity for an impartial and neutral hearing officer to determine if the school can meet its burden of proof to sustain the proposed

deprivation of the student's right to attend school, and if the proposed suspension or expulsion is appropriate.

- b. The hearing shall occur within five school days from the date of the written notice, unless the parent requests a later date.
- c. **Hearing Provisions:**
  - i. Hearings shall be conducted by a neutral and impartial hearing officer. Upon appointment, all hearing officers are authorized to administer oaths and issue subpoenas in conjunction with the proceedings before him or her.
  - ii. School must prove the alleged student behavior by a preponderance of the evidence.
  - iii. School cannot rely exclusively on hearsay evidence to meet its burden of proof.
  - iv. Student and parent have the right to call witnesses and present documentary evidence including, but not limited to, witness statements, incident reports, and audio and video recordings; and question persons with information related to the incident.
  - v. Student and parent have the right to request and, upon request, the school district must require, the presence and testimony of witnesses who are school employees.
  - vi. Student and parent have the right to request the presence and testimony of witnesses who are safety or law enforcement personnel on campus, and the school shall take all reasonable steps to ensure their presence.
  - vii. Student and parent have the right to request the presence and testimony of other students or witnesses to the event, and the school shall take all reasonable steps to ensure their presence.
  - viii. Student and parent have the right to representation by an attorney or an advocate.

- ix. The hearing officer shall consider only the evidence presented at the hearing and may dismiss, reduce, or uphold the proposed suspension or expulsion.
- x. The hearing officer must dismiss the proposed suspension if he or she determines:
  - 1. The suspension was imposed for a behavior for which suspension is prohibited under Section X. or the school's Code of Conduct.
  - 2. The school did not present sufficient evidence to meet its burden of proof.
  - 3. The school did not follow the due process procedures in this subsection.
  - 4. The suspension was not appropriate considering the factors listed in Section X.
- xi. The hearing officer may dismiss or reduce the proposed suspension if he or she determines:
  - 1. The school did not impose graduated and proportionate discipline.
  - 2. The suspension was not appropriate given the facts as presented at the hearing.
- xii. Upon request of the parent or student, the school shall provide interpretation services in the parent's and student's native language.
- xiii. Student and parent have the right to receive a written decision from the hearing officer. If the hearing officer determines a long term suspension or expulsion is warranted, the written decision shall include the length of suspension, findings of fact, the rationale for the decision; and procedures for appealing the decision, including the date by which the appeal must be submitted.
- xiv. Student and parent must receive the decision with three school days of the hearing.

- xv. An accurate and complete record of the hearing shall be maintained by the school, but no stenographic record shall be required and an audio or video recording shall be deemed a satisfactory record. Student and parent shall have a right to request and receive this record at no cost.

#### 4. Appeal Provisions:

- a. Parent and student can appeal the decision to suspend or expel within 20 school days from the date the parent receives the decision 20 school days from the date the parent receives the recording of the hearing, whichever comes later;
- b. The person deciding the appeal cannot have been involved in the hearing or the initial decision to propose or impose the suspension or expulsion.
- c. A written decision on appeal, including the rationale for the decision, will be issued within five school days of the filing of the appeal;
- d. The appeal will consider whether the student's rights were violated during the investigation, hearing, or appeal process;
- e. The decision on appeal must be based solely on the hearing record except to the extent that the student's rights were violated during the investigation, hearing, or appeal process;
- f. The suspension or expulsion can be upheld, overturned or reduced; and
- g. The person deciding the appeal must overturn the suspension if he or she determines:
  - i. The school did not present sufficient evidence to meet its burden of proof.
  - ii. The suspension was imposed for a behavior for which suspension is prohibited the school's Code of Conduct.
  - iii. The school did not follow the due process procedures in this subsection.
  - iv. The suspension was not appropriate considering the factors listed in Section 3(B).
- h. The person deciding the appeal may overturn or reduce the suspension if he or she determines:

- i. The school did not impose graduated and proportionate discipline.
  - ii. The suspension was not appropriate given the facts as presented at the hearing.
- i. The person deciding the appeal must provide a written decision within 10 days of receiving the appeal.

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**APPENDIX -**

**Glossary**

**Academic Dishonesty:** Providing, receiving or viewing answers to quiz or test items or independent assignments; having out or using books, notes or notebooks during a test without permission from a staff member

**Attack on Student:** A student or students set upon another student in a forceful, hostile or aggressive way without warning or provocation; this includes behavior commonly referred to as “banking.”

**Behavioral Intervention Plan:** A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.

**Bomb Threat:** The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging

**Bullying:** Any intentional act done willfully, knowingly and with deliberation, by individuals or an individual, which harms another person physically or emotionally. Bullying includes intentional conduct (including verbal, physical or written conduct) or electronic communication that is threatening or seriously intimidating and substantially disrupts the orderly operation of a school. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present; it can be seen in small ways over a long period of time or in a large way all at one time.

**Community Service:** Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.

**Conference:** Conferences can involve students, teachers, administrators, and parents/guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

**Community Service:** An unpaid service for the benefit of the public that is performed as part (or all) of the consequence for committing an infraction

**Conference:** A communication that takes place face to face or by telephone

**Consequence:** A result that follows from an action or condition

**Controlled Substance:** A drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled Substances Act (21 U.S.C. section 812[c]) (United States Code, 1994 edition, volume 11; Superintendent of Documents, U.S. Government Printing Office, Washington, D.E. 20402-9328: 1995 – available at the Office of Vocational and Educational Services for Individuals with Disabilities, Room 1624, One Commerce Plaza, Albany, NY 12234)

**Class Cutting:** Unlawful absence from a class or school activity

**Cyber-bullying:** The use of information and communication technologies- e-mail, cell phones, pagers, text messages, instant message, personal website or blogs, personal pulling sites or a combination of these – to support deliberate, repeated and hostile behavior by an individual or group with the intention of physically or psychologically intimidating others

**Disruptive Student:** 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

**Ethnicity or National Origin Harassment:** A negative act or verbal expression toward an individual or group of the same race or national origin who share common or similar traits, languages, customs and traditions, based upon race, national origin, customs and traditions

**Functional Behavior Assessment:** Involves gathering information about a student's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the student's behavior.

**Illegal Drug:** A controlled substance, but does not include a controlled substance legally possessed or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of Federal law

**Loss of Privileges:** As a consequence of a violation of Rochester Public Schools' Code of Conduct, a student can lose the right to participate in school events and activities, including participation in graduation and senior activities (if the behavior warrants this consequence, only monies paid as senior dues for the missed activity will be refunded)

**Makeup Work:** When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets. School staff should refer to their Student Discipline Handbook and Special Education Compliance Manual for more information

**Mentoring Program:** A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

**Parent:** Parent, guardian or person in parental relation to a student

**Parent/Guardian Outreach:** Parent/guardian outreach requires school staff to inform parents/guardians of their child's behavior and seek the parents'/guardians' assistance with correcting inappropriate or disruptive behavior.

**Peer Mediation:** Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts.

**Pro Social:** Relating to or denoting behavior that is positive, helpful, and intended to promote social acceptance and friendship.

**Racial Harassment:** A negative opinion or verbal expression toward an individual or group of persons who possess common physical characteristics (i.e., color of skin, eyes, hair and facial features genetically transmitted by descent and heredity) that distinguish them as a distinct division of human kind, based on these physical characteristics

**Referral to Substance Abuse Treatment Services:** Students with behavior related to substance abuse and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.

**Referral to Community-Based Organizations:** Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

**Referral to School-Based Health and Mental Health Clinics:** These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success. In counseling sessions, students discuss goals and learn techniques that help them overcome personal challenges. Parents/guardians are to be regularly informed of student

progress during counseling sessions and at school. Sessions can also involve family members or can be done in groups.

**Religious Harassment:** A negative opinion or verbal expression toward an individual or group of persons, who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs

**Restitution:** Replacing item(s) that were stolen or damaged by providing fair market value by way of compensation or service

**Restorative Justice Strategies:** There are many examples of restorative justice practices, ranging from simple conversations with students who misbehave to more intensive interventions involving multiple actors. Below are some examples that may be used by communities seeking alternatives to out-of-school suspensions, expulsions, referrals to law enforcement, and arrests.

- a. **Community Accountability Panels** are meant to hold the offender accountable for the offense by imposing mutually agreed upon consequences to address harm or damage caused. The key participants in this model are the community panel members, the offender, and sometimes the victim, where appropriate.
- b. **Family Group Conferencing/Conferencing** brings together those involved in and affected by the offense to allow the offender to take responsibility, the victim to voice the impact of the offense, and community members to assist in the resolution of the offense. The facilitator acts as a guide for the dialogue between the victim and the offender to take place.
- c. **Victim-Offender Mediation** provides a forum for victims and offenders to meet in a safe and respectful environment with the assistance of a facilitator. The purpose of the

meeting is to explore and discuss the effects of an offense, and the ways in which healing can take place.

- d. **Sentencing Circles** are community meetings designed to address both family and community circumstances that are underlying causes of misbehavior. They are meant to rebuild relationships, develop rehabilitative plans, and respond to victims' needs. They involve the offender(s), victim(s), the friends and families of each, community members, and spiritual advisors.

**School Day:** Any day of required pupil attendance; unless preceded by the word "calendar". "day" means a school day

**School Function:** Any school-sponsored event or activity, including but not limited to extra-curricular and athletic events

**School Property:** 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, secondary, adult education or post secondary school or any other property owned or leased by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by/for the District

**School Resource Officer:** The Code of Conduct identifies certain inappropriate or disruptive behaviors that may be considered a danger to the health, safety and welfare of the school community. When these behaviors occur, Schools Resource Officers may be notified. If school staff or principals are unsure of whether to contact school resource officers, they should contact \_\_\_\_\_. If and when school staff or principals take steps to contact Rochester Police, parents or guardians of the affected students must be notified immediately

**Serious Bodily Injury:** Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty

**Sexual Activity:** Inappropriate behavior of a sexual nature while on school grounds or during school-sponsored activities, including but not limited to indecent exposure, consensual sexual contact, oral sex or possession of sexually explicit material

**Sexual Assault:** Physical sexual act by force or threat of force against a staff member or another student, including inappropriate touching

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others

**Sexual-Orientation Harassment:** A negative opinion or attitude toward an individual or group of persons based on their sexual attraction toward or responsiveness to members of the opposite or same sex

**Tardiness:** Arriving late to school or class

**Theft:** Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use. *See also Stealing*

**Tobacco Possession or Use:** Possession, use, sale or distribution of tobacco or tobacco products, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco



**Trespassing:** Being on school property without permission, including while suspended or expelled; includes breaking and entering

**Violent Student:**

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. Possesses, 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; or
7. Knowingly and intentionally damages or destroys school District property

**Weapon (including look-alike and ammunition):** A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance (including chemical and biological substances) animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length

A weapon is, by way of illustration and without limitation, one of the following:

1. Firearm: A firearm as defined in 18 U.S.C. 921 of the federal code. Examples include handguns, rifles, shotguns and bombs. Refer to the federal code for the complete definition
2. Other guns: Any gun of any kind, loaded or unloaded, operable or inoperable, including any object other than a firearm that looks like a gun. This shall include but is not limited to a pellet gun, paintball gun, stun gun, taser, BB gun, flare gun, nail gun, and airsoft gun
3. Other weapons: Any implement that could cause or is intended to cause bodily harm, other than a firearm or other gun. This shall include, but is not limited to, a switchblade knife, hunting knife, star knife, razor (including straight or retractable razor), brass knuckles, box cutter, nunchuck, spiked glove, spiked wristband, any mace derivative, tear gas device or pepper spray product
4. Weapon used to cause bodily harm or injury: Use of a weapon to injury any person on school property or while involved in a school-sponsored activity