



# Student Behavior Resource Manual

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Thank you, to each member of the discipline subcommittee. Your hard work will benefit all constituencies and help to create a safe and academically successful school year.

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## Table of Contents

<b>Section 1</b>	Introduction	4
<b>Section 2</b>	Prevention Practices/Intervention Strategies	5
<b>Section 3</b>	Progressive Consequences	8
	Progressive Levels of Response	10
	RCSD Regulations and Interventions	12
	Prohibited Weapons	25
<b>Section 4</b>	Disciplinary Responses	26
<b>Section 5</b>	Short-Term Suspensions	28
	Short-Term Suspension Process for Buildings with ISS Rooms	30
	Short-Term Suspension Process for Buildings without ISS Rooms	32
<b>Section 6</b>	Long-Term Suspension	36
	Long-Term Suspension Process	38
<b>Section 7</b>	Students with Disabilities	41
<b>Section 8</b>	Dignity for All Students Act	48
<b>Appendix</b>	Glossary	52
	VADIR- Violent and Disruptive Incident Reporting and Glossary	53
	Procedures for Considering a Mental Hygiene Request	59

## Section 1: Introduction

The purpose of this document is to identify, promote and support social and emotional development for healthy relationships and a safe, respectful environment that is conducive to learning for all students. Included in this document are guidelines, requirements and resources that support student conduct and learning.

The Rochester City School District (RCSD) is committed to ensuring that our schools are safe, secure, and orderly environments in which teaching and learning take place each day. Safe, supportive school environments depend on students, staff, and parents demonstrating mutual respect.

### Parents as Partners

Students, parents, and school personnel all have a role in making schools safe and must collaborate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. 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 which they would like to see students emulate. To ensure that parents become active and involved partners in promoting a safe and supportive school environment, parents must be familiar with the Board of Education's Code of Conduct, and the RCSD Superintendent's Regulations of Intervention and Discipline. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school staff, issues and behaviors that may affect student success. It is important that there be maximum consultation and communication between the school and the home. Conferences attended by the principal or his/her designee, a school counselor, the student's parent, and one or more of the student's teachers, are an effective means of encouraging parental input and should be held with students as appropriate.

All members of the school community — students, staff, and parents — must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met. The RCSD Code of Conduct can be found at [www.rcsdk12.org//Domain/110](http://www.rcsdk12.org//Domain/110) and in the main office of every school. This document provides a comprehensive description of unacceptable behavior, including incidents involving drugs or weapons. The RCSD Superintendent's Regulations of Intervention and Discipline provides the range of permissible disciplinary and intervention measures which may be used when students engage in such behaviors, as well as a range of responses and interventions schools may use to address student behavior. The Board of Education's Code of Conduct and the RCSD Superintendent's Regulations of Intervention and Discipline apply to all students, including those with disabilities. These regulations do not supersede students' rights as outlined by federal and State law.

## Section 2: Prevention Practices/Intervention Strategies

Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff facilitate students' academic and social-emotional growth and assist them in following school rules and policies. District and school personnel must partner with parents/families and community resources to create and develop strategies that promote optimal learning and positive behavior throughout a student's school experience. They are also responsible for addressing behaviors which disrupt learning. Administrators, teachers, school counselors, social workers, psychologists and other school staff are expected to engage students, including students with disabilities, in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent.

Intervention and prevention approaches may include guidance support and services to address personal and family circumstances; social-emotional learning, such as conflict resolution, peer mediation, negotiation, anger management, and/or communication skills acquisition; implementation of Response to Intervention (RtI) behavior strategies, the use of alternative instructional materials and/or methods; enrichment services; alternative class placement; and/or development or review of functional behavioral assessments (FBA) and behavioral intervention plans (BIP) which should be developed and/or reviewed as an early intervention strategy. If, at any time, school officials suspect that a student's behavioral needs may be the result of a disability which may require special education services, the student should be referred immediately to the Committee on Special Education (CSE). See Section 7: Students with Disabilities.

### Schools with a positive climate and culture have:

- Positive relationships with all stakeholders- parents, students, teachers and school staff
- Training and resources to resolve conflicts peacefully and respectfully,
- Supports for students who are experiencing emotional crisis, trauma or serious challenges in their homes and communities
- Engaging academic and extracurricular activities for students that meet behavioral and academic needs
- Effective communication among schools, parents and communities
- Clean and well maintained environments that clearly demonstrate school pride and love of learning
- A learning environment where students and staff feel physically and emotionally safe

There is an expectation for schools within the RCSD to use a tiered approach to a positive intervention system as part of the school discipline plan. The expectation is that schools have a plan in place, and assistance is available for schools through the Office of Teaching and Learning.

### A Response to Intervention (RtI) Behavior Model

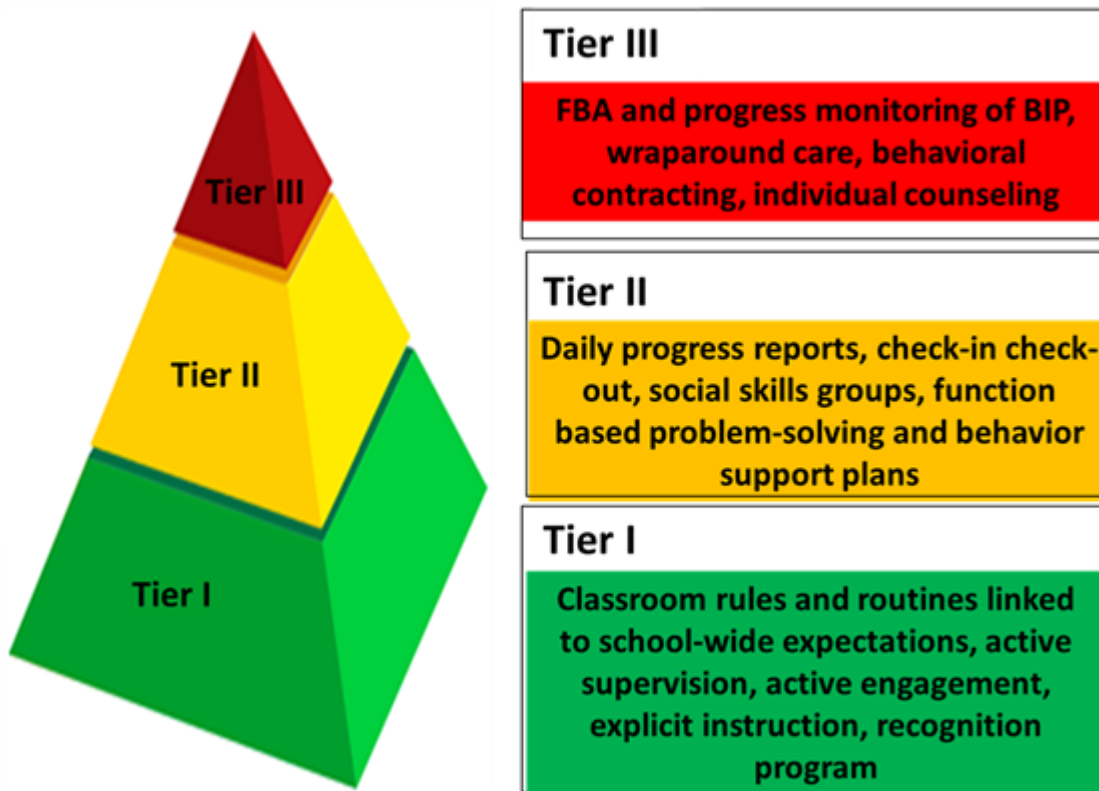
Positive behavioral expectations are set at the beginning of the year, taught to students, and reinforced throughout the year. Educators use behavioral infractions as teaching opportunities. The system offers behavioral supports for students at three levels of intensity:

Tier 1: Universal Systems

Tier 2: Targeted Systems

Tier 3: Individual Systems

Figure 1 depicts this organization and delineates the target population for each intervention level. While universal systems target all staff, students, and settings, targeted and individual systems focus on at-risk and high-risk students and are carried out in small groups or one-on-one.



**Figure 1: Multi-Tiered System of Behavioral Supports**

*Source: NYS PBIS Technical Assistance Center*

### Tier 1 Universal Systems

Classroom rules and routines linked to school-wide expectations, Office Disciplinary Referrals, active supervision, active engagement, explicit instruction and recognition program

**Goal:** To teach behavioral expectations as a means of establishing a safe and positive school culture

- Select and define expectations and routines (observable, acknowledgeable and teachable)
- Teach behavior and routines directly in all settings
- Actively monitor behavior
- Acknowledge appropriate behavior (predictable/intermittent/long-term)
- Review data to make decisions
- Correct behavioral errors (pre-correction/boosters/de-escalation)

### Tier 2 Targeted Systems

- Small group strategies or low level targeted interventions should be tried and data collected

**Goal:** To reduce current cases of problem behavior and/or academic failure

*Examples include:*

Check-in Check-out, targeted social skill groups, function-based thinking using a behavior pathway, Behavioral Support Plans (BSP), daily progress reports

### Tier 3 Individual Systems

- Functional Behavioral Assessment (FBA) process is initiated when previous interventions tried have been unsuccessful

**Goal:** To reduce complications, intensity, and severity of students with chronic problem behavior and/or academic failure

*Examples include:*

Functional Behavioral Assessment (FBA) and progress monitoring of a behavioral intervention plan (BIP), wraparound care, behavioral contracting, and individual counseling

### Section 3: Progressive Consequences

Consequences are most effective with students when they deal directly with the problem, in a way that students view it as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when warranted and to place emphasis on the students' ability to grow in self-discipline.

When choosing interventions and consequences for students' behavior, teachers, administrators, and staff must balance the District's goals of eliminating school disruptions and maximizing student instruction time. Prior to disciplining students, the following factors shall be considered:

- Age, health, and disability or special education status of the student
- Appropriateness of student's academic placement
- Student's prior conduct and record of behavior
- Student's understanding of the impact of their behavior and/or attitude
- Student's willingness to repair the harm caused by their behavior
- Seriousness of the behavior offense and the degree of harm caused
- Impact of the incident on overall school community
- Whether the student's violation threatened the safety of any student or staff member
- The likelihood that a lesser intervention would adequately address the violation

Where appropriate, discipline will be progressive. This means that a student's first violation will usually merit a consequence of a lesser degree than subsequent violations, taking into account all factors relevant to the severity of the current violation. However, in instances where a student's conduct is dangerous or threatens the safety of others, a more severe form of disciplinary action may be warranted, even if it is the student's first offense.

Understanding consequences as a "teachable moment" is fundamental to a positive approach to discipline. Progressive consequences use incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive consequences do not seek punishment. Instead, progressive consequences seek concurrent accountability and behavioral change.

If the conduct of a student with a disability results in a long term suspension or a series of short term suspensions, consequences shall be administered consistent with the separate requirements of the RCSD *Code of Conduct* for disciplining students with a disability or presumed to have a disability. Refer to Section 7: Students with Disabilities for information.

The goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- understand why the behavior is unacceptable and the harm it has caused
- understand what they could have done differently in the same situation
- take responsibility for their action
- be given the opportunity to learn pro-social strategies and skills to use in the future
- understand the progression of more stringent consequences if the behavior reoccurs



Every reasonable effort should be made to correct student misbehavior through interventions, social-emotional supports, and other school based resources. Interventions are essential because inappropriate behavior or violations of the RCSD *Code of Conduct* may be symptomatic of more serious problems that students are experiencing. It is important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs. Additionally, elimination of recess should not be considered a viable disciplinary response as research does not support this action.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students’ education, and promote the development of a positive school culture.

Suggested alternative interventions/strategies that may be applied prior to a suspension include:

1. Buddy Class – conversations with teachers about relationships
2. Lunch detention
3. Return from suspension meetings
4. After-School detention
5. Modeling of adult and student behaviors
6. Providing sports and other activities
7. Saturday School
8. Home visits
9. Peace Circles – Getting Along Together
10. Educating staff about who our kids are
11. Educating our students on the history of words they use
12. Whole school book study about stress
13. Trauma and stress education for staff
14. Student mediation (ATS)
15. Juvenile Accountability Conferences
16. Superintendent’s Day – PD focused on staff emotional health
17. Strong school-wide Positive Behavior Intervention Supports (PBIS)
18. Mental health supports
19. Utilization of Mobile Crisis Team

Progressive Levels of Response for Discipline and Guidance Interventions		
Level	Range of Possible Disciplinary Responses	Range of Possible Guidance Interventions

Progressive Levels of Response for Discipline and Guidance Interventions		
Level	Range of Possible Disciplinary Responses	Range of Possible Guidance Interventions
Level 1	<p>A. Admonishment by school staff</p> <p>B. Student/teacher conference</p> <p>C. Reprimand by appropriate supervisor (e.g., assistant principal, principal)</p> <p>D. Parent conference</p> <p>E. In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime.</p> <p>F. Removal from classroom by teacher (After a student is removed from any classroom by any teacher four times during a semester, a principal’s suspension must be sought if the student engages in subsequent behavior that would otherwise result in a removal by a teacher)</p>	<p>Parent outreach</p> <p>Peer mediation</p> <p>Intervention by counseling staff</p> <p>Guidance conference(s)</p> <p>Individual/group counseling</p> <p>Conflict resolution</p> <p>Conduct FBA; Develop BIP</p> <p>Development of individual behavior contract</p> <p>Short term behavior contract</p> <p>Short term behavioral progress reports</p> <p>Referral to appropriate substance abuse counseling services</p> <p>Referral to a Community-Based Organization (CBO)</p> <p>Community service (with parental consent)</p>
Level 2	<p><b>A-F from Level 1 and/or:</b></p> <p>G. Principal’s Suspension (grades 3-12 or under other circumstances)</p>	<p><b>All from Level 1 and/or:</b></p> <p>Referral to counseling service for youth relationship abuse or sexual violence</p> <p>Referral to counseling services for biased based bullying, intimidation, or harassment</p>
Level 3	<p><b>A-G from Level 2 and/or:</b></p> <p>H. Superintendent’s suspension that results in immediate reinstatement (grades 3-12 or under other circumstances)</p> <p>I. Superintendent’s suspension that results in continued suspension for a fixed period of 6-10 days (grades 3-12 or under other circumstances)</p>	<p><b>All from Level 1 and 2</b></p>

Progressive Levels of Response for Discipline and Guidance Interventions		
Level	Range of Possible Disciplinary Responses	Range of Possible Guidance Interventions
Level 4	<p><b>A-I from Level 3 and/or:</b></p> <p>J. Superintendent’s suspension that results in extended suspension for up to 45 school days with an option to review for early reinstatement (grades 3-12 or under other circumstances)</p> <p>K. Superintendent’s suspension that results in a one year suspension and assignment to an Alternative Instruction site with an option to review for early reinstatement (grades 3-12 or under other circumstances)</p> <p>L. Permanent suspension (only for general education students who turned 17 prior to the beginning of the school year, which is July 1) (grades 3-12 or under other circumstances)</p>	<b>All from Level 1-2</b>
Level 5	<b>A-L from Level 4</b>	<b>All from Level 1-2</b>

**Supports for Students Returning from Suspension:**

Students returning from suspension should be provided with supportive services to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student. All students should be provided with appropriate intervention plans when transitioning back to school from suspensions, and should not be further disciplined for similar behaviors in the absence of those plans.

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
	<b>Inappropriate Language</b>	<b>MNNR</b>					
K-6	13. Using profane, obscene, vulgar, lewd or abusive	MNNR or 20 or 10		•			
	<b>Bullying</b>	<b>MNNR</b>					
	<b>Defiance/Non-compliance</b>	<b>MNNR</b>					
K-6	22. Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety agents	MNNR or 20			•		
	<b>Disrespect</b>	<b>MNNR</b>					
K-6	7. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				
7-12	8. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				
	<b>Disruption</b>	<b>MNNR</b>					
K-6	6. Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)	MNNR or 20	•				
7-12	7. Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)	MNNR or 20	•				
	<b>Violation of Dress Code</b>	<b>MNNR</b>					
K-6/7-12	2. Failing to wear the required school uniform (applies only to students in grades 6-8 in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A-D only)	MNNR	•				
K-6	8. Wearing clothing, headgear, or other items that are unsafe or disruptive to the educational process	MNNR or 20 (17 if weapon)	•				
7-12	9. Wearing clothing, headgear, or other items that are unsafe or disruptive to the educational process	MNNR or 20 (17 if weapon)	•				
	<b>Fight</b>	<b>MNNR</b>					
	<b>Theft</b>	<b>MNNR</b>					
	<b>Forgery/Plagiarism</b>	<b>MNNR</b>					
	<b>Gang Display</b>	<b>MNNR</b>					
K-6	29. *Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs (grades 3-6 only) (D-I only)	MNNR or 20			•		

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	26. *Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs) (D-I only)	Graffiti = 12 or MNNR or 20			•		
	<b>Harassment</b>	<b>MNNR</b>					
	<b>Inappropriate Affection</b>	<b>MNNR</b>					
K-6	18. Engaging in inappropriate or unwanted physical contact (grades K-2 only; see Infraction 28 for grades 3-6)	MNNR or 2.2 or 9		•			
	<b>Out of Bounds</b>	<b>MNNR</b>					
	<b>Lying/Cheating</b>	<b>MNNR</b>					
K-6	14. Lying to, giving false information to, and/or misleading school personnel	MNNR or 20		•			
7-12	16. Lying to, giving false information to, and/or misleading school personnel	MNNR or 20		•			
K-6	20. Engaging in scholastic dishonesty which includes but is not limited to: a. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for oneself to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test) b. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) (grades 3-6 only) c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)	Stealing 13 or MNNR or 20		•			
	<b>Physical Aggression</b>	<b>MNNR</b>					
	<b>Property Damage</b>	<b>MNNR</b>					
	<b>Skip</b>	<b>MNNR</b>					
K-6/7-12	1. Unexcused absence from school (A-D only)		•				

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	3. Cutting classes (reporting to school and failing to attend one or more programmed classes)		•				
K-6	17. Leaving class or school premises without permission of supervising school personnel			•			
7-12	20. Leaving class or school premises without permission of supervising school personnel			•			
	<b>Tardy</b>	<b>MNNR</b>					
K-6	3. Being late for school or class	MNNR	•				
7-12	4. Being late for school or class	MNNR	•				
	<b>Technology Violation</b>	<b>MNNR</b>					
K-6	4. Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)	MNNR or 20	•				
7-12	5. Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)	MNNR or 20	•				
7-12	12. Using the school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission	MNNR or 20	•				
K-6	19. Violating the District's Internet Use Policy (e.g., use of the District's system for non-educational purposes, security/privacy violations)	MNNR or 20		•			
	<b>Truancy</b>	<b>MNNR</b>					
K-6	3. Being late for school or class	MNNR	•				
7-12	4. Being late for school or class	MNNR	•				
	<b>Use/Possession Tobacco</b>	<b>MNNR</b>					
K-6	11. Smoking	MNNR or 20		•			
7-12	13. Smoking	MNNR or 20		•			
	<b>Other Behavior</b>	<b>MNNR</b>					
	<b>Homicide</b>	<b>1</b>					
	<b>Forcible Sex Offense</b>	<b>2.1</b>					
7-12	30. Engaging in sexual conduct on school premises or at school-related functions (D-I only)				•		

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
K-6	38. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)	2.1 or 2.2 or 20				•	
7-12	35. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)	2.1 or 2.2 or 20				•	
K-6	55. Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity						•
7-12	57. Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity						•
	<b>Other Sex Offense</b>	<b>2.2</b>					
7-12	30. Engaging in sexual conduct on school premises or at school-related functions (D-I only)				•		
K-6	38. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)	2.1 or 2.2 or 20				•	
7-12	35. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)					•	
	<b>Robbery</b>	<b>3</b>					
K-6	50. Threatening to use or using force to take property belonging to another						•
7-12	52. Threatening to use or using force to take property belonging to another						•
	<b>Assault with Physical Injury</b>	<b>4</b>					
K-6	36. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	4 or 7 or 8				•	
7-12	39. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury					•	

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
K-6	44. Causing a serious injury by either recklessly engaging in behavior and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella)					•	
7-12	46. Causing a serious injury by either recklessly engaging in behavior and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella)					•	
K-6	51. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
7-12	53. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
K-6	52. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
7-12	54. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
K-6	53. Participating in an incident of group violence	4 or 7 or 9					•
7-12	55. Participating in an incident of group violence	4 or 7 or 9					•
K-6	54. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
7-12	56. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
7-12	62. ** Using any weapon, other than a firearm, as defined in Category I or II, to inflict injury upon school personnel, students, or others (K for students who have not turned 17 prior to the beginning of the school year, L for general education students who turned 17 prior to the beginning of the school year)	4 or 7					•
	<b>Arson</b>	<b>5</b>					
K-6	45. Starting a fire					•	
7-12	47. Starting a fire					•	
	<b>Kidnapping</b>	<b>6</b>					
	<b>Assault with Physical Injury</b>	<b>7</b>					



Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
K-6	34. Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury (G-I only)	7 or 9				•	
7-12	37. Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury (G-I only)	7 or 9				•	
K-6	36. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	4 or 7 or 8				•	
7-12	39. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	4 or 7 or 8				•	
K-6	53. Participating in an incident of group violence	4 or 7 or 9					•
7-12	55. Participating in an incident of group violence	4 or 7 or 9					•
K-6	54. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
7-12	56. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
7-12	62. ** Using any weapon, other than a firearm, as defined in Category I or II, to inflict injury upon school personnel, students, or others (K for students who have not turned 17 prior to the beginning of the school year, L for general education students who turned 17 prior to the beginning of the school year)	4 or 7					•
	<b>Reckless Endangerment</b>	<b>8</b>					
K-6	36. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	4 or 7 or 8				•	
7-12	39. Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	4 or 7 or 8				•	
K-6	43. Creating a substantial risk of serious injury by either recklessly engaging in behavior and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella)					•	

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	45. Creating a substantial risk of serious injury by either recklessly engaging in behavior and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella)					•	
	<b>Minor Altercations</b>	<b>9</b>					
K-6/7-12	24. Shoving, pushing, or engaging in other similar physical behavior (e.g., horseplay), or throwing an object (e.g., chalk) (C-I only)				•		
K-6	28. Engaging in inappropriate or unwanted physical contact (grades 3-6 only); see Infraction 18 for grades K-2				•		
K-6	34. Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury (G-I only)	7 or 9				•	
7-12	37. Engaging in an altercation and/or physically aggressive behavior, other than horseplay, which creates a substantial risk of or results in minor injury (G-I only)	7 or 9				•	
K-6	51. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
7-12	53. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
K-6	52. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
7-12	54. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
K-6	53. Participating in an incident of group violence	4 or 7 or 9					•
7-12	55. Participating in an incident of group violence	4 or 7 or 9					•
K-6	54. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
7-12	56. *Engaging in threatening, dangerous or violent behavior that is gang-related	4 or 7 or 9					•
K-6	58. Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others	9 or 10					•

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	60. Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others	9 or 10					•
7-12	61. ** Using any weapon, other than a firearm, as defined in Category I, to attempt to inflict injury upon school personnel, students, or others (K for students who have not turned 17 prior to the beginning of the school year, L for general education students who turned 17 prior to the beginning of the school year)	9 or 10					•
	<b>Intimidation, Harassment, Menacing, or Bullying</b>	<b>10</b>					
K-6	7. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				
7-12	8. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				
K-6/7-12	23. Using slurs based upon race, ethnicity, color, national origin, religion, gender, gender identity, gender expression, sexual orientation, or disability (C-I only)				•		
7-12	33. Posting or distributing libelous material or literature (including posting such material on the Internet)	MNNR or 20 or 10			•		
K-6	33. Posting or distributing literature or material containing a threat of violence, injury or harm, or depicting violent actions against students or staff, including posting such material on the Internet					•	
7-12	36. Posting or distributing literature or material containing a threat of violence, injury or harm, or depicting violent actions against students or staff, including posting such material on the Internet					•	
K-6	35. Engaging in an act of coercion or threatening violence, injury or harm to another or others					•	
7-12	38. Engaging in an act of coercion or threatening violence, injury or harm to another or others					•	
K-6	37. Engaging in intimidating and bullying behavior-- threatening, stalking, or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm, including taunting and/					•	

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	40. Engaging in intimidating and bullying behavior-- threatening, stalking, or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm, including taunting and/					•	
K-6	51. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
7-12	53. Using force against of inflicting or attempting to inflict serious injury against school personnel or school safety	4 or 9 or 10					•
K-6	52. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
7-12	54. Using extreme force against or inflicting or attempting to inflict serious injury upon students or others	4 or 9 or 10					•
K-6	58. Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others (I or J only)	9 or 10					•
7-12	60. Using any weapon as defined in Category II to attempt to inflict injury upon school personnel, students, or others	9 or 10					•
7-12	61. ** Using any weapon, other than a firearm, as defined in Category I, to attempt to inflict injury upon school personnel, students, or others (K for students who have not turned 17 prior to the beginning of the school year, L for general education students who turned 17 prior to the beginning of the school year)	9 or 10					•
	<b>Burglary</b>	<b>11</b>					
	<b>Criminal Mischief</b>	<b>12</b>					
7-12	26. *Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs) (D-I only)	Graffiti = 12 or MNRR or 20			•		
K-6	30. ** Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (D-I only)				•		
7-12	28. ** Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others (D-I only)				•		

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
	<b>Larceny and other Theft</b>	<b>13</b>					
K-6	26. Knowingly possessing property belonging to another without authorization				•		
7-12	29. Knowingly possessing property belonging to another without authorization				•		
K-6	40. Taking property belonging to another without authorization (D-I only)					•	
7-12	44. Taking property belonging to another without authorization (D-I only)					•	
	<b>Bomb Threat</b>	<b>14</b>					
K-6	43. Making a bomb threat (G-J only)					•	
7-12	43. Making a bomb threat (G-J only)					•	
	<b>False Alarm</b>	<b>15</b>					
K-6	41. Falsely activating a fire alarm or other disaster alarm (G-J only)					•	
7-12	42. Falsely activating a fire alarm or other disaster alarm (G-J only)					•	
	<b>Riot</b>	<b>16</b>					
K-6	48. Inciting/causing a riot					•	
7-12	48. Inciting/causing a riot					•	
	<b>Weapon Possession</b>	<b>17</b>					
K-6	47. *Possessing any weapon as defined in Category II	17. 1 or 17. 2				•	
7-12	49. *Possessing any weapon as defined in Category II	17. 1 or 17. 2				•	
K-6	57. Possessing any weapon, other than a firearm, as defined in Category I (I-J only)	17.1 or 17.2					•
7-12	59. Possessing any weapon, other than a firearm, as defined in Category I	17.1 or 17.2					•
7-12	63. **Possessing or using a firearm (K for students who have not turned 17 prior to the beginning of the school year, L for general education students who turned 17 prior to the beginning of the school year)	17.1 or 17.2					•
	<b>Use, Possession, Sale of Drugs</b>	<b>18</b>					
K-6	39. Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol	18 or 19				•	

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	41. Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol	18 or 19				•	
K-6	48. Using controlled substances without appropriate authorization, illegal drugs and/or alcohol	18 or 19				•	
7-12	50. Using controlled substances without appropriate authorization, illegal drugs and/or alcohol	18 or 19				•	
K-6	56. Selling, distributing, buying illegal drugs, controlled substances/alcohol	18 or 19					•
7-12	58. Selling, distributing, buying illegal drugs, controlled substances/alcohol	18 or 19					•
	<b>Use, Possession, Sale of Alcohol</b>	<b>19</b>					
K-6	39. Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol	18 or 19				•	
7-12	41. Possessing controlled substances without appropriate authorization, illegal drugs, drug paraphernalia, and/or alcohol	18 or 19				•	
7-12	50. Using controlled substances without appropriate authorization, illegal drugs and/or alcohol					•	
K-6	56. Selling, distributing, buying illegal drugs, controlled substances/alcohol	18 or 19					•
7-12	58. Selling, distributing, buying illegal drugs, controlled substances/alcohol	18 or 19					•
	<b>Other Disruptive Incidents</b>	<b>20</b>					
7-12	5. Bringing prohibited equipment or material to school without authorization (e.g., cell phone, beeper, or other electronic communication/entertainment devices)	MNNR or 20	•				
7-12	7. Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway)	MNNR or 20	•				
K-6	7. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				
7-12	8. Engaging in verbally rude or disrespectful behavior	MNNR or 20 or 10	•				

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
7-12	12. Using the school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission	MNNR or 20	•				
K-6	14. Lying to, giving false information to, and/or misleading school personnel	MNNR or 20		•			
7-12	16. Lying to, giving false information to, and/or misleading school personnel	MNNR or 20		•			
7-12	21. Being insubordinate; defying or disobeying the lawful authority of school personnel or school safety officers	MNNR or 20			•		
7-12	22. Entering or attempting to enter a school building without authorization	MNNR or 20			•		
K-6/7-12	24. Shoving, pushing, or engaging in other similar physical behavior (e.g., horseplay), or throwing an object (e.g., chalk) (C-I only)	9 or 20			•		
K-6/7-12	25. Bringing unauthorized visitors to school or allowing unauthorized visitors to enter school in violation of written school rules	MNNR or 20			•		
K-6	29. *Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs) (grades 3-6 only) (D-I only)	MNNR or 20			•		
7-12	26. *Engaging in gang-related behavior (e.g., wearing gang apparel and/or accessories, writing graffiti, making gestures or signs) (D-I only)	Graffiti =12 other = MNNR or 20			•		
K-6/7-12	27. Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means	MNNR or 20			•		
7-12	30. Engaging in sexual conduct on school premises or at school-related functions (D-I only)	2.1 or 2.2 or 20			•		
7-12	31. Violating the District's Internet Use Policy (e.g., use of the District's system for non-educational purposes, security/privacy violations)	MNNR or 20			•		
7-12	33. Posting or distributing libelous material or literature (including posting such material on the Internet)	MNNR or 20 or 10			•		

Grade	Infraction	State Code	Range of Possible Disciplinary Responses				
			Level 1	Level 2	Level 3	Level 4	Level 5
K-6	38. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)	2.1 or 2.2 or 20				•	
7-12	35. Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g. touching, patting, pinching, lewd or indecent public behavior)	2.1 or 2.2 or 20				•	



## Prohibited Weapons

### Prohibited Weapons-Category I

- Firearm, including pistol and handgun, silencers, electronic dart, and stun gun
- Shotgun, rifle, machine gun, or any other weapon which simulates or is adaptable for use as a machine gun
- Air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife and cane sword (a cane that conceals a knife or sword)
- Dagger, stiletto, dirk, razor, box cutter, case cutter, utility knife and all other knives
- Billy club, blackjack, bludgeon, chukka stick, and metal knuckles
- Sandbag and sand-club
- Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot
- Martial arts objects including kung-fu stars, nun-chucks and shirkens
- Explosives, including bombs, fire crackers and bombshells
- Unauthorized use or possession of acid or deadly dangerous chemicals

### Prohibited Weapons-Category II

- \*Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Stun pens or other stun weapons
- Laser beam pointers
- Any deadly, dangerous, or sharp pointed instrument which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire)

\* Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic by considering factors such as its color, size, shape, appearance and weight.

## Section 4: Disciplinary Responses

The following discipline responses must be effectuated in accordance with all the procedural requirements of RCSD Board policy, the RCSD Regulations of Intervention and Discipline, New York State and Federal Law.

### Detention

Teachers, and administrators may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention must be served within the week of issuance and parent notification. Detention takes precedence over extra-curricular activities, athletic practices or events. Detention will be imposed as a penalty only after the student's parent has been notified to confirm there is no parental objection to the penalty and that the student has appropriate transportation home following the detention. Failure to serve detention will result in another day of detention or in-school or out of school suspension unless an exception to extenuating circumstances applies.

### Removal from a Classroom by a Teacher

Teachers have the power to remove a disruptive student. A disruptive student is a student who substantially disrupts the educational process or substantially interferes with the teacher's authority over the classroom. The student may be removed for up to two (2) classes (where the daily schedule is so arranged) or up to 1.5 hours, where the student ordinarily remains in the same classroom.

1. The teacher must inform both the student and the principal of the reason(s) for the student's removal:
  - a. If the student's continued presence in the classroom does not pose a continuing danger to people or property, and does not present an ongoing threat of disruption to the academic process, then the teacher will, prior to removing the student from the classroom, explain the basis for the removal and allow the student to informally present his/her version of events.
  - b. In all other cases, the teacher must explain to the student the basis for the student's removal and provide an informal opportunity for the student to present his/her version of events within twenty-four hours of the student's removal. If the twenty-fourth hour occurs on a non-school day, the opportunity shall be carried over until the corresponding hour on the next school day.
  - c. No teacher may remove a student with a disability from his or her class until he or she has exercised due diligence to verify with the Principal or his/her designee, or the CASE, or the Executive Director of Specialized Services or his/her designee, that the removal will not violate the student's rights under state or federal law or regulation.
  - d. The teacher must complete a District-established disciplinary removal form and meet with the Principal or his or her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form; and must

- make a reasonable effort to personally contact the parent. If the Principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the Principal or designee prior to the beginning of classes on the next school day.
- e. Removed students will be sent to a location at school where they will be provided with continued educational services, including class work and homework.
2. The principal (or principal's designee) must inform the student's parent of the student's removal and the basis for the removal within twenty-four hours and must provide the parent with a copy of the disciplinary removal form which was completed by the teacher. If the twenty-fourth hour occurs on a non-school day, the deadline for notification shall be carried over until the corresponding hour on the next school day.
    - a. The student and parent, upon request, will be given the opportunity for an informal conference with the principal (or designee) and the teacher to discuss the reasons for the student's removal from class, and allow the student and parent to present the student's version of events. The informal conference must be held within forty-eight hours of the student's removal. If the forty-eighth hour occurs on a non-school day, the time for conference shall be carried over until the corresponding hour on the next school day.
  3. The principal (or designee) shall not set aside the discipline imposed by the teacher unless he/she finds that the charge(s) is not supported by substantial evidence, that the student's removal violates the law, or that the student's conduct warrants suspension. If suspension is warranted, then the principal (or designee) shall then impose an appropriate period of suspension.
    - a. The principal's (or designee's) determination must be made by the end of the day on the day after the informal conference.
    - b. The student cannot return to the classroom until the principal (or designee) makes a final determination or the period of removal expires, whichever is less.
  4. Principal (or designee) must input disciplinary action into Powerschool within twenty-four hours.

## Section 5: Short-Term Suspension

### Short-Term Suspension Definition:

A short-term suspension is the term often used to refer to the suspension of a student from school for five days or less in accordance with the provisions of section 3214 of the Education Law.

The school board, the superintendent of schools, or a building principal may suspend a student from attendance upon instruction.

### Short-Term Suspension Process:

1. The Building Principal is authorized to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in “In School Suspension.”
2. Prior to imposition of a short term suspension on a student with a disability the Principal (or designee) shall follow the procedures included in Section 7: Students with Disabilities regarding the necessary information.
3. After conducting an investigation, the principal (or principal’s designee) must reference the appropriate section of Code of Conduct that incident violated, provide the student with notice of the charged misconduct, and give the student the opportunity to provide his/her version of events. If the student denies the misconduct, the principal (or designee) must provide an explanation of the basis for the suspension.
4. The principal (or designee) must send RCSD approved short term suspension letter to parent in parent’s dominant language by either personal delivery, express mail or any other means which ensures that the parent receives the letter within 24 hours of the suspension decision.
5. The letter must describe the incident for which suspension is proposed, must inform the parent of his/her right to request an immediate informal conference with the principal (or designee), and that the parent and student have a right to question the complaining witness at the conference.
6. Upon request of the parent, the student and parent must be provided with an informal conference with the principal (or designee), at which the parent and student can present the student’s version of events and question the complaining witness in the presence of the principal (or designee). In circumstances wherein witness safety is a concern, contact the Law Department for direction on how to proceed.
7. The Principal (or designee) must notify the parent and student of the determination either at the conclusion of the conference, or within twenty-four hours thereafter. If the twenty-fourth hour occurs on a non-school day, the time for communication of the determination shall be carried over until the corresponding hour on the next school day.
8. Principal (or designee) must input suspension into PowerSchool within twenty-four hours and attendance data for days of the suspension (up to 5 days) must be recorded in PowerSchool as well.
9. Student must report to an In-School Suspension room for those schools with ISS or to another designated area for those schools without ISS.
10. Classroom teachers must provide student work within the first full day of suspension.
11. If the student will be suspended out-of-school, a plan must be in place to provide the student with substantially equivalent instruction. This plan will be supplied to the Chief of Schools.

12. Appeal from a short term suspension can be made by the parent or student directly to the New York State Commissioner of Education.

## STS/In-School Suspension Flow Chart for buildings with ISS Rooms (grades 3-12)



## STS/In-School Suspension Letter

(Insert School Logo)

RE: STS/In-School Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name), because he/she engaged in the following behavior:

(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g. broke a window, punched another student, etc.)

You and your child have a right to an informal conference with the Principal and have the right to question a complaining witness in this matter.

Your child will be suspended for \_\_\_ school day(s) and assigned to ISS (In-School Suspension). During this period, your child will receive instruction in the ISS room. Under New York State Law, your child is required to attend school. Therefore, your child must attend school during the suspension period.

Please bring your child to the main office at the start of the school day on \_\_\_\_\_. If you cannot accompany your child, please call the main office to let me know. Please note that your child must come to school. Your child is scheduled to return to his/her regular program on \_\_\_\_\_.

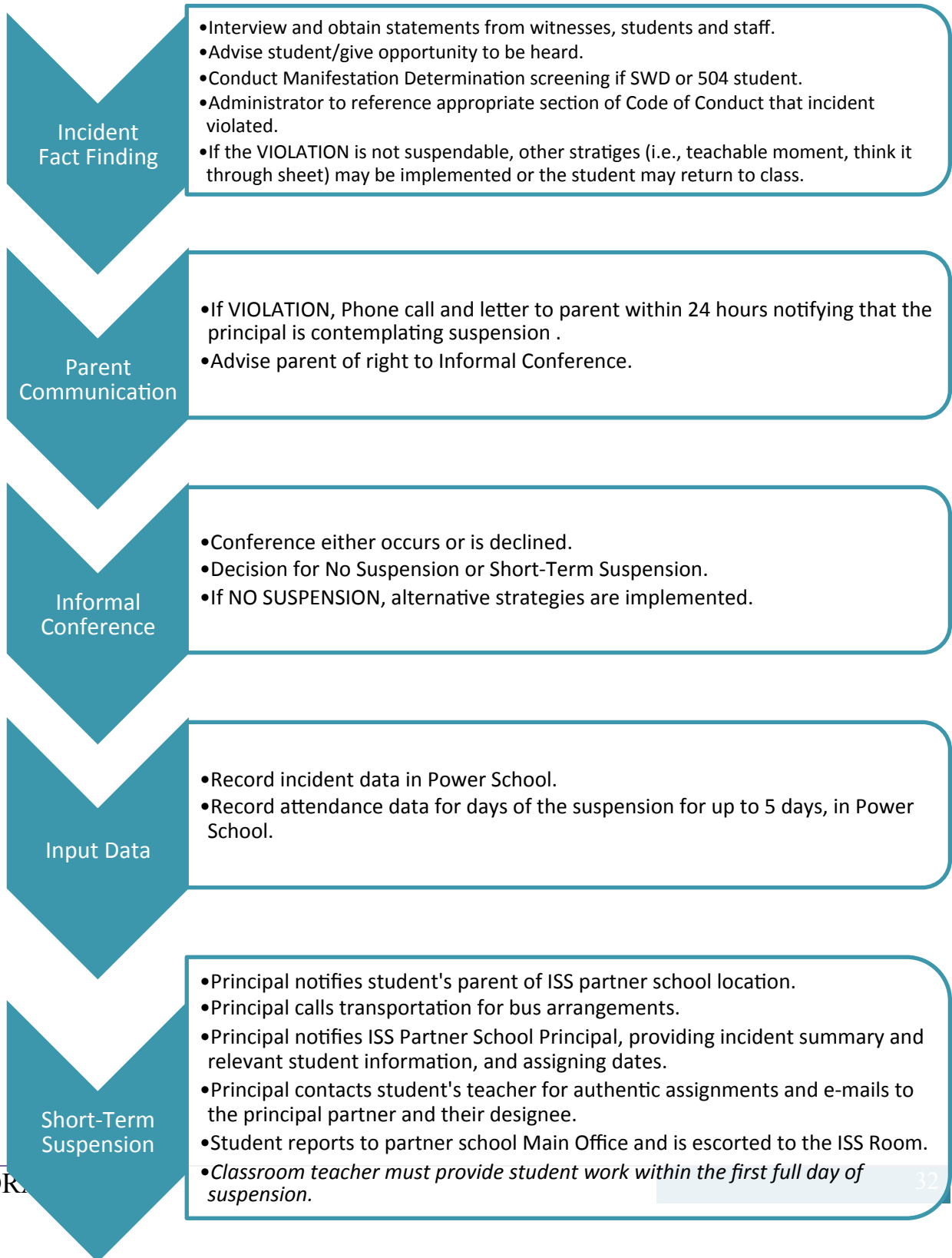
If you would like to meet to discuss this incident, please feel free to contact me at \_\_\_\_\_ to arrange for an appointment to meet.

Sincerely,

Principal

cc: Hand delivered to student   
Hand delivered to parent/guardian   
Mailed to parent/guardian   
Student cumulative file

## STS/In-School Suspension Flow Chart for buildings with Partner ISS Rooms (grades 3-12)





## STS/In-School Suspension Letter (Partner ISS Room)

(Insert School Logo)

RE: STS/In-School Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name), because he/she engaged in the following behavior:

(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g. broke a window, punched another student, etc.)

You and your child have a right to an informal conference with the Principal and have the right to question a complaining witness in this matter.

Your child will be suspended for \_\_\_ school day(s) and assigned to In-School Suspension (ISS) at (name and address of partner school). During this period, your child will receive instruction in the ISS room. Under New York State Law, your child must attend school during this suspension period.

Please bring your child to the main office at the start (partner school day time) on \_\_\_\_\_. If you cannot accompany your child, please call me to let me know at (home school telephone number). Please note that your child must come to school. It is the responsibility to get the student to the ISS partner school. *Beginning (date) bus transportation will be provided with the pick-up time at \_\_\_\_\_.*

Your child is scheduled to return to his/her regular program on \_\_\_\_\_. Please plan to attend a re-entry conference with me at 9:00 am on this date. If you would like to meet to discuss this incident, please feel free to contact me at \_\_\_\_\_ to arrange for an appointment to meet.

Sincerely,

Principal

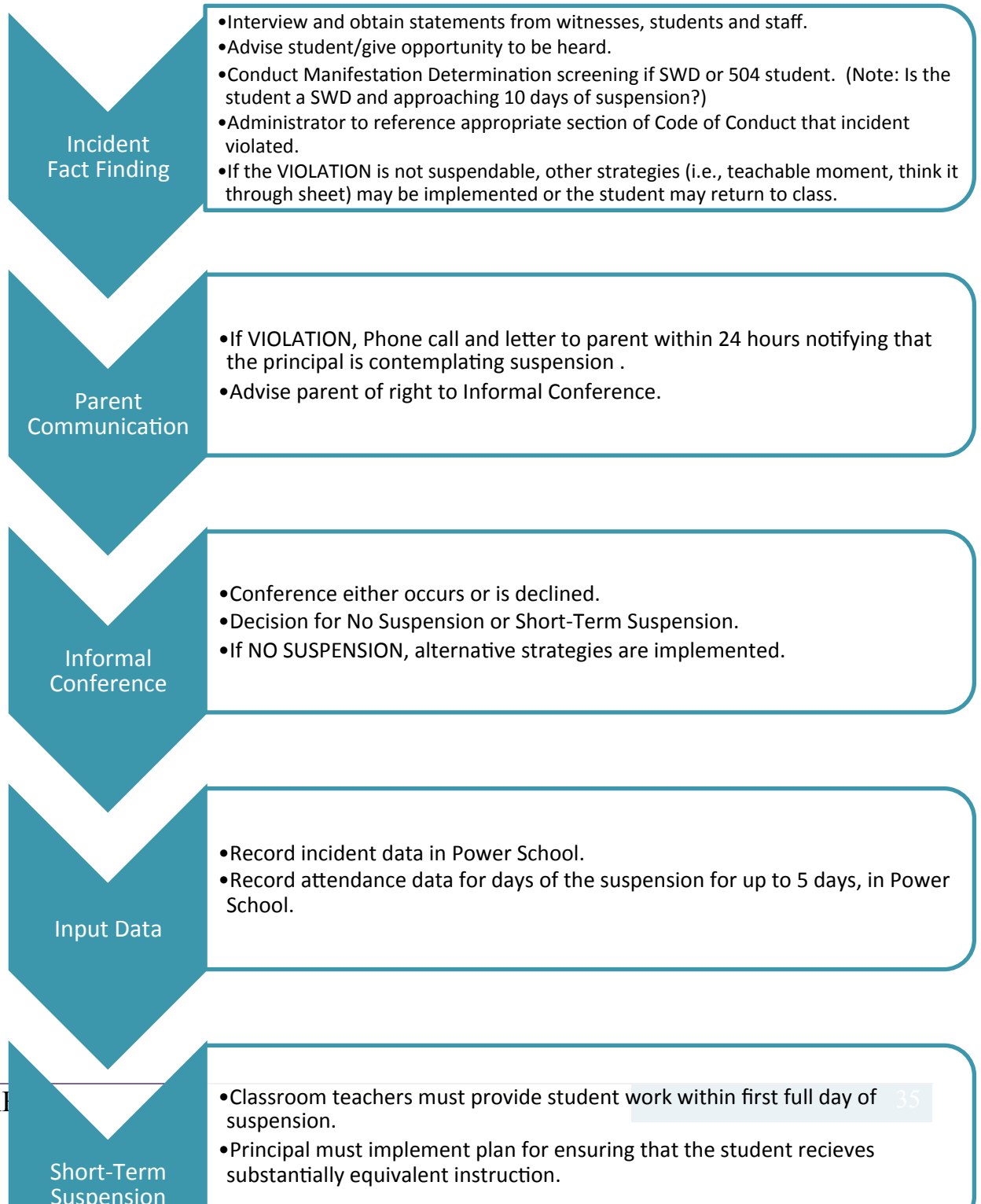
- cc: Hand delivered to student
- Hand delivered to parent/guardian
- Mailed to parent/guardian
- Student cumulative file

**RCSD Short-Term Suspension Information for Buildings with Partner ISS Rooms (grades 3-12)**

<b>ISS Partner School</b>	<b>Schools Assigned</b>
<b>Zone 1 Northeast</b>	
5	54
17	43
41	42
34	7
<b>Zone 2 Northwest</b>	
8	22
16	53
28	46, 52
33	39
45	36
9	20, 22
<b>Zone 3 South</b>	
29	1
3	44
12	35
19	2, 10

4	29** (for special cases)
58	23,15

### Short-Term Suspension Process (grades 3-12)



## Short-Term Suspension Letter

(Insert School Logo)

RE: Short-Term Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name), because he/she engaged in the following behavior:

(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g. broke a window, punched another student, etc.)

You and your child have a right to an informal conference with the Principal and have the right to question a complaining witness in this matter.

Your child will be suspended for \_\_\_ school day(s) and assigned to:

- € In-School Suspension room for the full day.
- € Instruction at school from \_\_\_\_ (am/pm) to \_\_\_\_ (am/pm).
- € Instruction at \_\_\_\_\_ from \_\_\_\_\_ (am/pm) to \_\_\_\_\_ (am/pm).

Your child is scheduled to return to his/her regular program on \_\_\_\_\_.

If you would like to meet to discuss this incident, please feel free to contact me at \_\_\_\_ to arrange for an appointment to meet.

Sincerely,

Principal

- cc:     Hand delivered to student     
       Hand delivered to parent/guardian     
       Mailed to parent/guardian     
       Student cumulative file

## Section 6: Long-Term Suspension

### Long-Term Suspension Definition:

A long-term suspension is the term most often used to refer to the suspension of a student from school in excess of five days in accordance with the provisions of section 3214 of the Education Law.

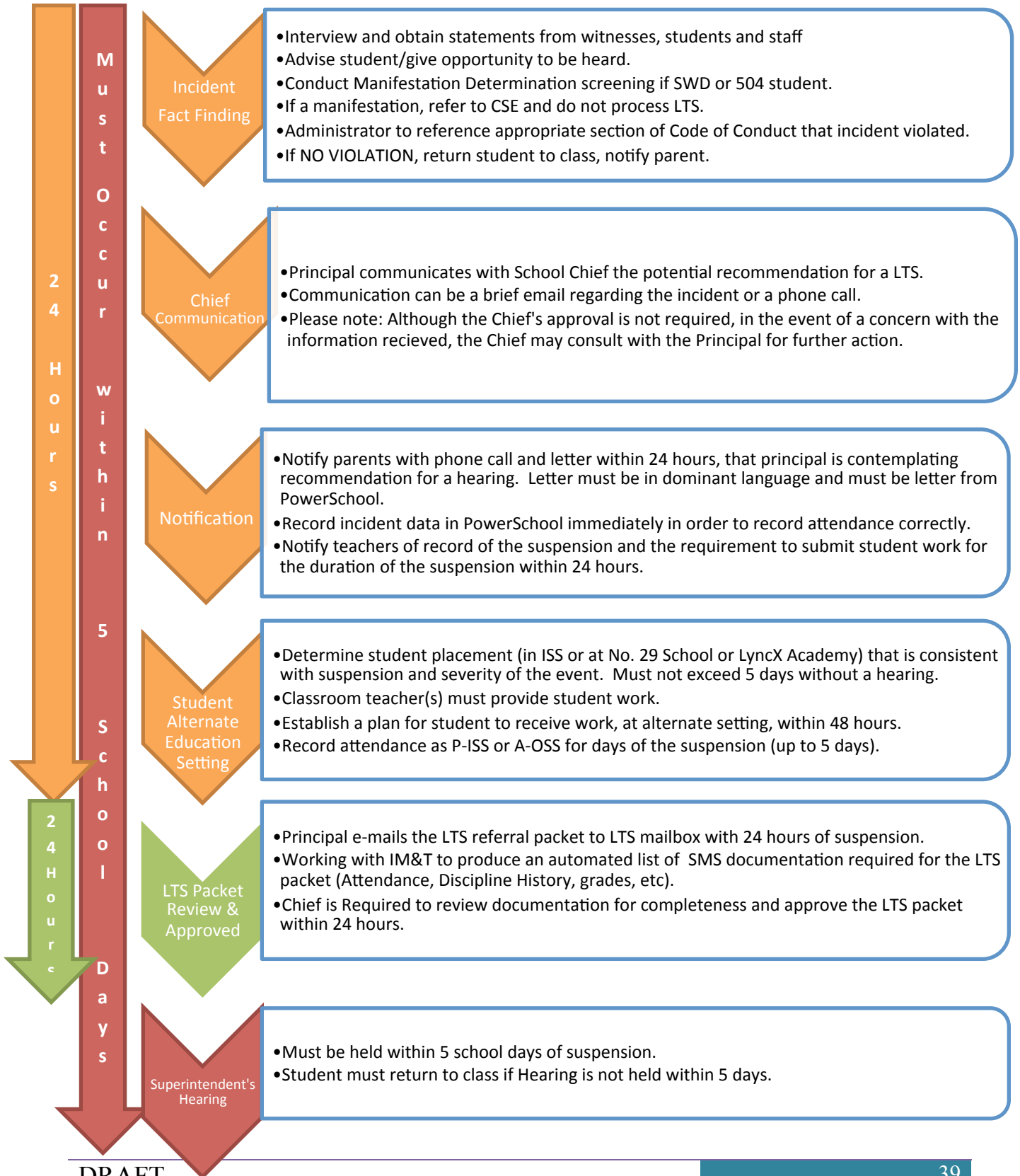
- New York State’s Education Law provides that no student may be suspended in excess of five school days unless the student and the student’s parents have had an opportunity for a hearing on reasonable notice.
- At such hearing, students may bring their parents, and also have the right to be represented by an attorney or other advocate, to testify on their own behalf and present witnesses and other evidence on their own behalf, and to cross-examine witnesses against them.

### Requesting a Long-Term Suspension Hearing (Process):

1. The principal (or the acting principal, in principal’s absence), should ensure that the following has been established, prior to communicating with the Chief:
  2. If a student with a disability is being considered for a long-term suspension, building level staff with knowledge of the incident and understanding of the student’s disability must conduct a manifestation determination screening. The results of the manifestation determination screening must be submitted to the Principal and included in the long-term suspension packet.
  3. The principal communicates with their School Chief the potential recommendation for LTS. Communication can be a brief email regarding the incident or a telephone call. The Chief may decide that the incident should not be recommended for a hearing, based on the information received. If the Chief disagrees with the hearing recommendation, the student is only eligible for a short-term suspension for up to 5 days.
  4. The Principal (or designee) shall inform the student of the referral for a long-term suspension hearing and the reason therefor.

5. Principal (or designee) will notify the parent by telephone to inform the parent of the student's referral for a LTS hearing and the reason therefor and to explain where the student is to report for alternative instruction while awaiting the LTS hearing.
6. Principal MUST send the RCSD approved letter in the parent's dominant language to parent within twenty –four hours of the LTS referral informing parent of the student's referral for a LTS. The letter shall include an explanation of the basis for the LTS referral, as well as an explanation of where the student is to report for instruction while awaiting the fact finding hearing.
7. Principal (or designee) must input the LTS referral into PowerSchool within twenty-four hours.
8. Principal must provide complete LTS packet to Chief and LTS Hearing Office through the LTS mailbox within 24 hours of the suspension.
9. Principal must determine alternate student placement for student that is consistent with suspension and severity of the event. This placement MUST not exceed 5 days without a hearing.
10. There must be an established plan for the student to receive work within 48 hours of the suspension occurring. The classroom teacher(s) must provide student work. Attendance for the student must be recorded as P-ISS/A-OSS for the days of the suspension (up to 5 days).
11. Once the completed LTS packet is received (within 24 hours of approval), the Chief or their designee shall conduct a review of the LTS packet in order to ensure that the packet is complete.
12. Upon approval of the LTS packet, the Chief of Schools replies to the LTS Mailbox that the LTS is approved. The hearing must be held within five days of suspension. If the hearing is not held within five days, the student must return to class.

### RCSD Long-Term Suspension Flow Chart (grades 3-12)



## Long-Term Suspension Hearing Letter with ISS Room

(Insert School Logo)

RE: Long Term Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name) because he/she engaged in the following behavior:

**(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g., broke a window, punched another student etc.)**

I have referred **(Insert Student's Name)** for a long term suspension. You will soon receive a letter informing you that a fact finding hearing will be held at which the school will present evidence and witnesses to show that **(Insert Student's Name)** in fact engaged in the above described conduct. You and your child have a right to present evidence and bring witnesses to discuss what occurred. Additionally, you may bring an advocate or attorney to assist you.

The hearing officer will make findings of fact and, if your child is found guilty, the hearing officer will recommend to the Superintendent the appropriate measure of discipline. The Superintendent or his designee will decide whether to accept all or part of the hearing officer's recommendation.

Until further notice, **(Insert Student's Name)** will receive instruction in the In-School-Suspension room here at school. Please accompany your child to the main office the start of the school day on **(insert start date)**. If you cannot accompany **(Insert Student's Name)**, please call the main office to let me know. Please note that pursuant to New York State Law, **(Insert Student's Name)** must still come to school.

If the hearing officer decides that a long-term suspension is not warranted in this matter, your child will be returned to his/her regular program. If you have any questions about this process, please contact me or the Office of Parent Engagement at 585-324-9999.

Sincerely,

**(Insert Principal's Name)**



## Long-Term Suspension Hearing Letter (Elementary Safety)

(Insert School Logo)

RE: Long Term Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name) because he/she engaged in the following behavior:

**(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g., broke a window, punched another student etc.)**

I have referred **(Insert Student's Name)** for a long term suspension. You will soon receive a letter informing you that a fact finding hearing will be held at which the school will present evidence and witnesses to show that (Insert Student's Name) in fact engaged in the above described conduct. You and your child have a right to present evidence and bring witnesses to discuss what occurred. Additionally, you may bring an advocate or attorney to assist you.

The hearing officer will make findings of fact and, if your child is found guilty, the hearing officer will recommend to the Superintendent the appropriate measure of discipline. The Superintendent or his designee will decide whether to accept all or part of the hearing officer's recommendation.

Until further notice, **(Insert Student's Name)** will receive instruction at Adlai E. Stevenson School No. 29 School from 10:00 am to 2:00 pm. The school is located at 88 Kirkland Road. Please accompany your child to the main office the start of the school day on **(insert start date)**. If you cannot accompany **(Insert Student's Name)**, please call the main office at school No. 29. The phone number is (585) 328-8228. Please note that pursuant to New York State Law, **(Insert Student's Name)** must still come to school.

While your student is assigned out of school suspension, he/she is not allowed on any school District property for any reason, except for the time and location your child is scheduled to report for instruction. If you have any questions about this process, please contact me or the Office of Parent Engagement at 585-324-9999.

Sincerely,

**(Insert Principal's Name)**

## Long-Term Suspension Hearing Letter (Secondary Safety)

(Insert School Logo)

RE: Long Term Suspension  
Student Name  
Student Number

Name

Address

City, State

Dear (insert parent/guardian's name):

The purpose of this letter is to notify you that I have suspended your child, (insert student's name) because he/she engaged in the following behavior:

**(INCLUDE Date, time, location and specific description of incident/behavior (include factual description of student's conduct e.g., broke a window, punched another student etc.)**

I have referred **(Insert Student's Name)** for a long term suspension. You will soon receive a letter informing you that a fact finding hearing will be held at which the school will present evidence and witnesses to show that (Insert Student's Name) in fact engaged in the above described conduct. You and your child have a right to present evidence and bring witnesses to discuss what occurred. Additionally, you may bring an advocate or attorney to assist you.

The hearing officer will make findings of fact and, if your child is found guilty, the hearing officer will recommend to the Superintendent the appropriate measure of discipline. The Superintendent or his designee will decide whether to accept all or part of the hearing officer's recommendation.

Until further notice, **(Insert Student's Name)** will receive instruction at LyncX Academy. LyncX Academy is located on the John Marshall High School Campus at 180 Ridgeway Avenue. If your child is in 7th or 8th grade please accompany your child to the main office at 10:50 am on **(insert start date)**. If your child is in 9th-12th grade please accompany your child to the main office at 7:00 am on **(insert start date)**. If you cannot accompany **(Insert Student's Name)**, please call LyncX Academy at 585- 254-1240. Please note that pursuant to New York State Law, **(Insert Student's Name)** must still come to school.

While your student is assigned out of school suspension, he/she is not allowed on any school District property for any reason, except for the time and location your child is scheduled to report for instruction. If you have any questions about this process, please contact me or the Office of Parent Engagement at 585-324-9999.

Sincerely,

**(Insert Principal's Name)**

**Section 8: Students with Disabilities**

<b>SUSPENSION PROCESS FOR STUDENTS WITH DISABILITIES</b>			
<b>When</b>	<b>Responsibility</b>	<b>What</b>	<b>Education Services</b>
<p><b>Short-Term Suspension</b></p> <p><b>1-10 Total School Days:</b></p> <p>A suspension or removal that does not exceed five school days is imposed</p>	Principal	Determines the setting for suspension and alternative instruction to be provided	Alternative instruction must be provided to the same extent as is provided to nondisabled students (Minimum 1 hour per day for elementary students; minimum 2 hours per day for secondary students).
<p><b>11 or more total school days:</b></p> <p>A series of short-term suspensions that accumulate to 11 or more school days in a school year are imposed</p>	Principal	Determines the setting for suspension and alternative instruction to be provided	Alternative instruction must be provided to the same extent as is provided to nondisabled students (Minimum 1 hour per day for elementary students; minimum 2 hours per day for secondary students).
<b>DRAFT</b>	Coordinating		<b>43</b>

	<p>Administrator of Special Education (CASE)</p>	<p>Manifestation Determination:</p> <p>School’s Manifestation Team must, in a meeting, review all relevant information in the student’s file including the student’s IEP, any teacher observations, and any relevant information provided by the parents and then determine:</p> <p>Determine if:</p> <p>(1) the conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or</p> <p>(2) the conduct in question was the direct result of a failure to implement the IEP.</p>	
<p>The behavior is <u>not a manifestation</u> of the disability</p> <p>or</p>	<p>CASE</p>	<p>School’s CSE convenes to review the student’s special education program and determine the need, if any, to conduct an FBA and develop a BIP. CSE recommends services to provide FAPE.</p>	<p>Provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student’s IEP.</p>

<p>The behavior is a <u>manifestation</u> of the disability</p>	<p>CASE</p>	<p>School’s CSE convenes to review the student’s special education program and determine the need, if any, to conduct an FBA and develop a BIP. CSE recommends services to provide FAPE.</p>	<p>Return the student to the placement from which the student was removed, unless the parent and the District agree to a change in placement.</p>
<p><b>Long-Term Suspension (LTS)</b>  A suspension in excess of five school days is being contemplated</p>	<p>Principal</p>	<p>Potential request to initiate the LTS process</p>	
	<p>Principal and CASE</p>	<p>Determines the setting for immediate removal of the student pending the outcome of the LTS process. Consults with CASE on the alternative instruction to be provided.</p>	<p>Provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student’s IEP.</p>
<p>The manifestation screening identifies that the <u>behavior is potentially not a result of the student’s disability</u></p>	<p>CASE  Principal</p>	<p>Provides screening outcome to Principal  LTS process proceeds</p>	<p>See Section 6 for LTS process</p>

<p>or</p> <p>The manifestation screening identifies that <u>the behavior is potentially a result of the student’s disability</u></p>	<p>CASE</p> <p>Principal</p> <p>Principal and CASE</p>	<p>Provides screening outcome to Principal</p> <p>LTS process ends.</p> <p>A request for a CSE program review may be initiated to review the student’s current special education program and services.</p>	   <p>The student returns to current placement</p>
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**The LTS process for students with disabilities must include the following components in addition to the LTS Superintendent’s Hearing.**

What	Who	When	Where
<b>Manifestation</b>	Central Manifestation Determination Team	Immediately following the LTS	Same site as LTS Superintendent’s

<p><b>Determination:</b></p> <p>The Manifestation Team must, in a meeting, review all relevant information in the student’s file including the student’s IEP, any teacher observations, and any relevant information provided by the parents and then determine:</p> <p>Determine if:</p> <p>(1) the conduct in question was caused by or had a direct and substantial relationship to the student’s disability; or</p> <p>(2) the conduct in question was the direct result of a failure to implement the IEP.</p>	<p>(MDT), which must include:</p> <ul style="list-style-type: none"> <li>• a representative of the school district knowledgeable about the student and the interpretation of information about child behavior; and</li> <li>• the parent and relevant members of the CSE as determined by the parent and the District.</li> </ul>	<p>Superintendent’s Hearing</p>	<p>Hearing.</p>
<p><b>CSE Meeting:</b></p>	<p>Central CSE to include relevant staff from the student’s school building</p>	<p>Immediately following the MDT meeting</p>	<p>Same site as LTS Superintendent’s Hearing</p>



**Manifestation Questionnaire**

(For Students with IEPs, 504 Plans or Students Presumed to Have a Disability)

\*To be completed prior to LTS Referral\*

Weapons, drugs or serious injury? Yes \_\_\_\_ No: \_\_\_\_

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_ ID #: \_\_\_\_\_

**Based on a review of the circumstances surrounding the incident, your personal knowledge of the student and relevant information from the student’s file, IEP and teacher observations, answer ALL of the following questions:**

QUESTION	YES	NO
1. Was the student’s IEP being fully implemented at the time of the behavior?		
2. If NO to #1, was the student’s conduct the <i>direct result</i> of the school district’s failure to implement the IEP? [If YES, then the behavior is a manifestation of the student’s disability.]		
3. Did the student have a behavior intervention plan (BIP) in place at the time of the incident? (If YES, go to Question #6.)		
4. If NO to #3, should there have been a BIP in place at the time of the incident?		
5. If YES to #4, was the student’s behavior the <i>direct result</i> of the district’s failure to develop a BIP? [If YES, then the behavior is a manifestation of the student’s disability.]		
6. Is the BIP meaningful? Are the behavioral goals both observable and measurable?		
7. If NO to #6, was the student’s behavior the <i>direct result</i> of the district’s failure to implement a meaningful BIP? [If YES, then the behavior is a manifestation of the student’s disability.]		
8. If YES to #3, was the behavior intervention plan being implemented with fidelity?		
9. If NOT to #8, was the student’s conduct the <i>direct result</i> of the school district’s failure to implement the behavior intervention plan? [If YES, then the behavior is a manifestation of the student’s disability.]		
10. Was the student’s behavior <i>caused by</i> his/her disability? [If YES, then the behavior is a manifestation of the student’s disability.]		
11. Did the student’s behavior have a <i>direct and substantial</i> relationship to the student’s disability? [If YES, then the behavior is a manifestation of the student’s disability.]		

**The student’s behavior: \_\_\_\_ WAS / \_\_\_\_ WAS NOT a manifestation of his/her disability.**

**If it is determined that the behavior was a manifestation of the student’s disability, then no discipline can be imposed AND a CSE must be convened to review the student’s program.**

Name and Title of Administrator Completing This Form:

\_\_\_\_\_  
Print Name Title

\_\_\_\_\_  
Signature Date

**Dignity Act for All Students (DASA)**

<http://www.p12.nysed.gov/dignityact/documents/DignityActBrochureUpdateFinal.pdf>

Signed into law September 13, 2010 and took effect July 1, 2012



Addresses issues related to harassment and discrimination in schools – including amendments to codes of conduct

Amended State Education Law by creating a new Article 2 – Dignity for All Students.

Amended Section 801[a] of State Education Law regarding instruction in civility, citizenship, and character education by expanding the concepts of tolerance, respect for others and dignity

*The goal of the Dignity Act is to provide the State’s public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying, on school property, on a school bus, or at a school function.*

Resources will include questions and answers for teachers & administrators as well as students & families, a rubric for school administrators to use in assessing their climate concerning harassment and discrimination, a promising practices guide for implementation, a model code of conduct, and lesson plans and templates for incorporating Dignity Act principles in the classroom.

[www.p12.nysed.gov/dignityact](http://www.p12.nysed.gov/dignityact).

The Dignity Act protects students from harassment or discrimination by other students OR adults.

No student shall be subjected to discrimination based on their:

- actual or perceived race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sexual orientation
- gender identity, or
- sex

The Dignity Act specifically protects students from being harassed or discriminated for the reasons listed, whether actual or perceived, but the intent of the law was not that this list be exhaustive. For example, while height is not specifically addressed by the law, a student harassed for being short or tall would also be protected.

The Dignity Act applies to all public schools, BOCES, and charter schools.

The Dignity Act applies to incidents on school property (in a school building, athletic playing field, playground, parking lot, school bus)

The Dignity Act applies to public school sponsored functions (school-sponsored extra- curricular events or activities)

The Dignity Act does not apply to incidents that occur outside of school supervision.

The Dignity Act will require schools to address discrimination and harassment in their Codes of Conduct.

Schools will also be required to report incidents involving discrimination and harassment specific to the Dignity Act category for which the student was targeted.

Dignity Act § 11: Harassment – the creation of a hostile environment by: conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for their physical safety

conduct, verbal threats, intimidation or abuse that includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Bullying can be considered a type of harassment.

### **Bullying and Federal Civil Rights Violations**

School districts may violate Federal civil rights statutes and U.S.E.D. regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school staff.

### Dignity Act § 12: Discrimination and Harassment Prohibited

No student shall be subjected to harassment by employees or students on school property or at a school sponsored function;

Nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, or sex by school employees or students on school property or at a school sponsored function.

An age-appropriate version of the policy written in plain-language shall be included in the Code of Conduct.

The Code of Conduct must be posted on the school web site.

### Dignity Act § 13. Policies and Guidelines

Boards of Education shall create policies and guidelines that shall include, but not be limited to:

Policies relating to the development of nondiscriminatory instructional and counseling methods

Guidelines to be used in school training programs to raise the awareness and sensitivity of school employees to potential discrimination or harassment

Those that will enable employees to prevent and respond to discrimination and harassment

The requirement that at least one staff member at every school to be thoroughly trained by the Dignity Act

Coordinator. To handle human relations in the areas of:

- Race, color, national origin, weight, ethnic group, religion, religious practice, disability, sexual orientation, gender identity, sex
- The Dignity Act Coordinator must be accessible to students and other employees for consultation and advice – as needed

The Dignity Act and Student Instruction

Education Law §801-a – Instruction in Civility, Citizenship, and Character Education

Grades K-12

Honesty, tolerance, personal responsibility, respect for others, observance of laws, courtesy, dignity.

Tolerance, respect for others, and dignity include awareness and sensitivity to discrimination or harassment and civility in relations of people of different:

- Races
- Weights
- National origins
- Ethnic groups
- Religions
- Religious practices
- or physical abilities
- Sexual orientations
- Gender identity
- Sexes

Dignity Act incident reporting will be done under the same system that currently allows for the reporting of Violent and Disruptive Incidents, though incidents reportable under the Dignity Act will not impact a School's Violence Impact *unless* they also fall under a Violent and Disruptive Incident category.

### **The Dignity Act & Student Health**

Bullying can result in physical injury, social and emotional distress, and even death.

Victimized youth are at increased risk for mental health problems such as depression and anxiety, psychosomatic complaints such as headaches, and poor school adjustment.

Youth who bully others are at increased risk for substance use, academic problems, and violence later in adolescence and adulthood.

[WHITEHOUSE.GOV/ITGETSBETTER](http://WHITEHOUSE.GOV/ITGETSBETTER)

### **RCSD DASA Coordinators**

Up to date list of DASA Coordinators and their contact information is on the district website home page. The following is added for staff and community members:

“NOTE: If you are unable to contact your School Coordinator, please contact the School Safety Hotline at 585-324-SAFE (585-324-7233). Thank you.”

### **Harassment, Intimidation and Bullying Incident Reporting Form**

In the Rochester City School District, we are focused on providing a positive and respectful learning environment for students and staff. The District’s primary emphasis is on prevention however if an incident of harassment, intimidation, or bullying occurs, it will be taken very seriously and responded to in a way to reduce the likelihood of it happening again.

The purpose of this online tool is to provide an additional way for students, staff, families, and community members to alert school personnel and report incidents of harassment, intimidation, and bullying that may involve bias (real or perceived). It is recommended that you **go directly to school personnel** when possible for a more immediate response. **If you are in crisis and would like to talk about your experience and receive support from a trained crisis counselor, please contact 2-1-1/LIFE LINE by dialing 2-1-1 or 275-5151 for 24 hour assistance**

## **Glossary**

<b>NON-VADIR Reportable “Discretionary”</b>	<b>VADIR Reportable “NON-Discretionary”</b>	
	<b>CODE</b>	<b>INCIDENT CATEGORY</b>
Inappropriate Language	1	Homicide
Bullying	2.1	Forcible Sex Offense
Defiance/Non-compliance	2.2	Other Sex Offense
Disrespect	3	Robbery
Disruption	4	Assault with Physical Injury
Violation of Dress Code	5	Arson
Fight	6	Kidnapping
Theft	7	Assault with Physical Injury
Forgery/Plagiarism	8	Reckless Endangerment
Gang Display	9	Minor Altercations
Harassment	10	Intimidation, Harassment, Menacing or Bullying
Inappropriate Affection	11	Burglary
Out of Bounds	12	Criminal Mischief
Lying/Cheating	13	Larceny and other Theft
Physical Aggression	14	Bomb Threat
Property Damage	15	False Alarm
Skip	16	Riot
Tardy	17	Weapon Possession
Technology Violation	18	Use, Possession, Sale of Drugs
Truancy	19	Use, Possession, Sale of Alcohol
Use/Possession Tobacco	20	Other Disruptive Incidents
Other Behavior		

*Each school district is required to submit Violent and Disruptive Incident Reports (VADIR) for each school building on an annual basis.*

**Glossary of Terms Used in Reporting Violent and Disruptive Incidents - Posted August 5, 2008**

**Incident Categories**

1. **Homicide:** Any conduct which results in the death of another person, with or without a weapon.

2. **Sexual Offenses:**

2.1 **Forcible Sex Offenses:** Involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with or without a weapon, including but not limited to, rape and sodomy. Pursuant to Penal Law §130.00(8), "**forcible compulsion**" means "to compel by either: (a) use of force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "**aggravated sexual contact**" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "**Oral sexual conduct**" and "**anal sexual conduct**" mean oral or anal sex.

2.2 **Other Sex Offenses:** involving inappropriate sexual contact but no forcible compulsion, with or without a weapon. Other sex offenses, includes, but is not limited to, conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age. However, it does not include consensual conduct involving students and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least 4 years older than the youngest participant. Inappropriate sexual contact requires physical contact with another person but no forcible compulsion. It includes, but is not limited to, the following conduct:

- a. touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia, etc.
- b. removing another student's clothing to reveal underwear or private body parts
- c. brushing or rubbing against another person in a sexual or provocative manner
- d. a student first rubbing his/her own genitalia and then touching another person's body

**Note: Verbal sexual harassment is reported in category 10 (Intimidation, Harassment, Menacing or Bullying). Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).**

3. **Robbery:** Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without a weapon.

4. **Assault with Serious Physical Injury:** Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district's code of conduct. Pursuant to Penal Law §10.00(10), "serious physical injury" means physical injury creating a substantial risk of death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ. Serious physical injury requires hospitalization or treatment in an emergency room and includes but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

5. **Arson:** Deliberately starting a fire with intent to damage or destroy property, with or without a weapon. The fire may be started by using matches, lighters or other devices capable of producing sufficient heat (i.e. magnifying glass) to ignite other combustible items, including, but not limited to, paper, linens, clothing, and aerosol cans, with or without a weapon. Property includes any object belonging to the school, students, school staff or visitors to the school, including personal items of the arsonist.

6. **Kidnapping:** To abduct, as defined in Penal Law §135.00, a person, so as to restrain such person with intent to prevent his or her liberation, by either: (a) secreting or holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force, with or without a weapon.

7. **Assault with Physical Injury:** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district's code of conduct. Physical injury means impairment of physical condition or substantial pain. Physical injury includes, but is not limited to, black eyes, welts, abrasions, bruises, black and blue marks, cuts not requiring stitches, and swelling. Substantial pain includes, but is not limited to, severe headaches, joint, or muscle pain.

**Reckless Endangerment:** Subjecting individuals to danger by recklessly engaging in conduct that creates a grave

3. risk of death or serious physical injury, but no actual physical injury, with or without a weapon. The following are examples of incidents that did not result in physical injury but should be reported as reckless endangerment:

a. Throwing an object at another student. The object thrown must be capable of causing a grave risk of death or serious physical injury. A serious physical injury requires hospitalization or treatment in an emergency room and includes, but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

b. Incidents involving a person choking another individual, including, but not limited to incidents where a student offender refuses to obey staff directives or interventions to stop choking his or her victim.

c. Brandishing a weapon on a school bus threatening other students, bus driver and/or bus monitor with harm or injury.

d. Driving a car erratically and recklessly in a school parking lot while other student(s), staff, or individuals are present.

9. **Minor Altercations:** involving physical contact and no physical injury, with or without a weapon. Striking, shoving, or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results. Fights that do not result in serious physical injury or physical injury are reported in this category.

10. **Intimidation, Harassment, Menacing, or Bullying Behavior and No Physical Contact:** Threatening, stalking, or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that

substantially disrupts the educational process, with or without a weapon. Incidents **not** resulting in a disciplinary or referral action are reported in Item 2 of the Summary of Violent and Disruptive Incidents Form. Incidents of harassment involving physical contact are reported in the Category 9 (Minor Altercations). **Verbal sexual harassment is also reported in category 10. Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).**

11. **Burglary:** Entering or remaining unlawfully on school property with intent to commit a crime, with or without a weapon.

12. **Criminal Mischief:** Intentional or reckless damaging of the property of the school or of another person, including, but not limited to vandalism and the defacing of property with graffiti, with or without a weapon.

13. **Larceny or Other Theft Offenses:** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another, with or without a weapon.

14. **Bomb Threat:** A telephoned, written, verbal or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property, with or without a weapon.

15. **False Alarm:** Causing a fire alarm or other disaster alarm to be activated by either falsely reporting or activating a fire alarm or other type of disaster alarm, with or without a weapon.

16. **Riot:** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm, with or without a weapon.

17. **Weapons Possession:** Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school. **Weapons:**

a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;

b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;

c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;

d. a sandbag or sandclub;

e. a sling shot or slungshot;

f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken;

g. an explosive, including but not limited to, a firecracker or other fireworks;

h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;



- i. an imitation gun;
  - j. loaded or blank cartridges or other ammunition; or
- any other deadly or dangerous instrument.

**(17.1) Weapons Confiscated through Routine Security Checks at Building Entrances:** As of July 1, 2006, weapons that are detected and confiscated as a result of a security screening process (scanners, metal detectors, and other devices) upon entry into the school building should be recorded in this category. The phrase "upon entry" into the school building means that the weapon(s) is detected as a result of students, staff or visitors passing through these devices in order to get into the school building proper. This category is to be used only for weapons possession incidents that are discovered as a result of scanning devices at entrances, not within the school building or as a result of random searches of individuals or lockers, etc.

**(17.2) Weapons Found Under Other Circumstances:** Incidents where weapons were found other than through a routine security check at a building.

**18. Drug Use, Possession, or Sale:** Illegally using, possessing or being under the influence of a controlled substance or marijuana, on school property, with or without a weapon, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property. Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting.

**19. Alcohol Use, Possession, or Sale:** Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space, with or without a weapon; illegally selling or distributing alcohol on school property; finding alcohol on school property that is not in the possession of any person.

**Other Disruptive Incidents:** Other incidents involving disruption of the educational process and that rise to the level of a consequence listed in the Summary of Violent and Disruptive Incidents Form (columns j-o). Reportable incidents are limited to those resulting in disciplinary action or referral. **Self-exposure or "mooning," depending on the circumstances, are reported in either category 10 (Intimidation, Harassment, Menacing or Bullying) or category 20 (Other Disruptive Incident).**

#### **Other VADIR Related Definitions**

**Disciplinary or Referral Action:** For purposes of reporting, a disciplinary or referral action includes a referral to: Counseling or Treatment Programs, Teacher Removal, Suspension from Class or Activities, Out-of-School Suspension, Involuntary Transfer to Alternative Education Program or Law Enforcement/Juvenile Justice (refer to definitions below).

**Counseling or Treatment Programs:** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc.). Note: Routine referrals of a

student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to counseling or treatment program.

**Teacher Removal:** For purposes of reporting, a "teacher removal" means the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a). Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal.

**Suspension from Class or Activities:** For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/ extracurricular activities, such as band, choir, or athletics. All incidents resulting in an in-school suspension that lasts for the equivalent of one school day or more must be reported. Suspensions from activities or transportation for five or more consecutive school days must also be reported.

**Out-of-School Suspension:** The student is suspended from attending school for at least one day.

**Transfer to Alternative Education Program:** For purposes of reporting, a "transfer to an alternative education program" means any transfer to an educational program in a setting outside of the student's home school to which the student is referred as part of or in lieu of disciplinary action, i.e., as a consequence of the child's misconduct. This includes, but is not limited to, involuntary transfers pursuant to Education Law §3214(5) and placement of students with disabilities in interim alternative educational settings.

**Transfer to Law Enforcement/Juvenile Justice:** For purposes of reporting, referrals to law enforcement or juvenile justice include each incident whereby the perpetrator is referred to the police, law enforcement officers, or criminal justice services.

**Gang Related:** An incident is gang related if it is gang motivated or if gang membership caused the incident or contributed to actions that occurred during the incident. For example, an incident of vandalism or robbery might be part of an initiation into a gang, or a fight might be caused by gang rivalry. Report an incident as gang-related only if certain that gang membership contributed to the incident. A gang is an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity. This definition is from the National Center for Education Statistics.

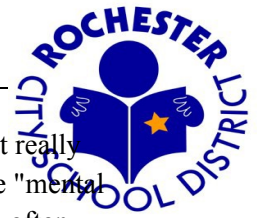
**Bias Related:** An incident is bias related if it is motivated by hate due to some characteristics or perceived characteristics of the victim including race, gender, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference or disability. Any act or attempted act is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets; vandalism; force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim. This definition is from the National Center for Education Statistics.

NYS Education Department

Last Updated: December 29, 2010

## Procedures for Considering a Mental Hygiene Arrest

NYS Mental Hygiene Law permits certain individuals to arrange for people to be brought to a hospital for further evaluation (which could result in an inpatient psychiatric admission). Although the phrase "mental



hygiene arrest" (or MHA) is often used to describe this process, it is important to note that it is not really an "arrest" per se (as there is no accusation of criminal behavior). A more accurate term would be "mental health intervention" - as it is an intervention that results in individuals being brought to a hospital, often contrary to their wishes.

Law enforcement can take someone to a hospital if the person appears to be suffering from a mental illness and there is some element of dangerous (to self or others). Certain mental health clinicians in the community have also been designated to be able to direct law enforcement to transport someone (or arrange for that transport via ambulance) to a hospital (if those same two criteria are met: mental illness and danger to self or others).

Why would someone call the police in a psychiatric emergency?

- If there is immediate danger and other interventions have not been successful, calling 911 is recommended. However, other interventions should be tried prior to calling police (if at all possible).
- If the person who is distressed is already involved in the mental health system, attempting to reach the mental health professionals that are working with the child and family is recommended. Another option is requesting assistance from the Rochester Community Mobile Crisis Team (that can be accessed via Life Line by dialing 211).

The Mobile Crisis Team may be able to arrange for a visit to the person's home (or other location) to assess the situation and make recommendations for next steps to more thoroughly address the problem. Of course, family members are also able to bring their child(ren) to any of the three emergency rooms in Monroe County that conduct emergency mental health evaluations (Rochester General Hospital, St. Mary's also known as Unity Health Systems, and Strong.)

**Once it has been determined that a MHA is warranted:**

1. Administrator or his/her designee calls 911
2. School nurse immediately contacted for all urgent medical issues and pertinent information.
3. The student's parent or guardian called, informed of situation and asked to come to school, if feasible.
4. If parent cannot come in or this is not a viable option then Mobile Crisis should be called, if feasible.
5. A recommendation for a Mental Health Arrest should be made by the mental health professional (school psychologist, school social worker, school nurse, appropriate health center staff member, or school counselor).
6. Area secured for ambulance arrival.
7. Student secured in the stretcher for transport with pertinent information.

Administrator or his/her designee must follow or accompany the student to the hospital and wait for a parent/guardian to arrive.

**Office of Teaching and Learning:  
School Environment Monitoring Plan (DRAFT)**

***Change in current monitoring practices:***

Update building reporting plan to focus solely on Out-of-School Suspensions. Form must include specifications regarding how substantially equivalent instruction was provided, what tiered supports are being utilized in supporting the student and the number of days that the student is suspended.

**3-5 Day OSS Request must include:**

1. All related proactive social-emotional supports
2. Actions that were implemented prior to suspension (lunch detention, afterschool detention, Saturday School and \_\_\_\_\_.)
3. The building's plan to maintain equivalent education and equitable FAPE

**MONITORING SCHEDULE:****Weekly:**

- Chiefs responsible for bringing Discipline Binder to their 1:1 meetings with Dr. Otuwa
- Buildings submit Out-of-School Suspension Log.
- OSS Logs and discipline data must be included in Chief Discipline Binder

**Bi-Weekly: (opposite weeks)**

- Elementary and Secondary Teams analyze and discuss suspension data
  - Elementary: Beverly, Ray, and Michele
  - Secondary: Amy, Keith, and Michele
  - \*consideration of including ELL/Bilingual & SWD Directors in review meetings
  - \*consideration of including Director of PPS in review meetings
- Data reviewed
  - Building wide
  - +/- previous review
  - Individual Student Concerns
  - Individual Students listed for regular review
- Noticing's/concerns discussed
- Plan created for communicating with Principals
  - During visits/other?
    - Building wide
    - Individual student concerns

**During Chief School Visits:**

- Discipline conversation includes:
  - Building wide
  - Individual student concerns

**Building Expectation:**

Students suspended for two incidents within a 30 day period must be brought to a site-based student intervention team review. No student shall be suspended for more than 5 days total within a 30 day period without the approval and review of the school chief.

**Questions for Consideration:**

- What are the rates of disciplinary referrals?
- What category do offenses fall into?
- Number of students referred for discipline by groups (gender, SWD, ELL, race and FRLP)
- What are the interventions for these offenses?
- What are the location and time of day of offenses?
- Who is doing the referring?