

## **Section 9    Discipline/Suspension**

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES

---

STUDENTS PRESUMED TO HAVE A DISABILITY

---

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES  
(POWERPOINT)

---

PROVISION OF SERVICES DURING SUSPENSIONS

---

MANIFESTATION REVIEW TEAM MEETING NOTICE FORM

---

FAPE

---

RCSD CODE OF CONDUCT POLICY 1400

---



Department of Specialized Services  
Discipline Procedures for Students with Disabilities

This document provides technical assistance regarding the discipline of students with disabilities in the Rochester City School District in accordance with Parts 200 and 201 of the Regulations of the Commissioner and other applicable laws and regulations.

- I. **Specific protections for students with disabilities include the following:**
- the provision of a free appropriate public education to students with disabilities who are suspended or removed for disciplinary reasons for more than ten school days in a school year;
  - the responsibility of the District to address behaviors that result in suspensions or removals for more than 10 school days in a school year;
  - the determination of the relationship between the behavior and the student's disability (manifestation determination) when a suspension constitutes a disciplinary change in placement.<sup>1</sup>
  - providing the parent a copy of the *Procedural Safeguards Notice* whenever a disciplinary action will result in a disciplinary change in placement;
  - conducting expedited evaluations if a request for an individual evaluation is made during the time period that a nondisabled student, who is not a student presumed to have a disability for discipline purposes, is suspended; and,
  - conducting an expedited due process hearings to resolve disagreements between parents and the district regarding certain disciplinary actions.

II. **Short-Term Suspension**

- A short-term suspension refers to a suspension of a student from school for five days or less (see Section 5 of the District's *Student Behavior Resource Manual*).

---

<sup>1</sup> A **disciplinary change in placement** in the Rochester City School District means a suspension or removal from a student's educational placement that is either: (1) for more than 10 consecutive school days; or (2) for a period of 10 consecutive days or less if the student is subjected to a series of suspensions that cumulate to more than 10 school days in a school year. This definition assumes a pattern of behavior exists when the student reaches the cumulative level of 10 school days in a school year.



## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

#### Proactive Steps

- Coordinating Administrator of Special Education (CASE) will monitor suspensions in IEP Direct and identify all students with disabilities that are approaching 10 cumulative school days.
- If the student has a current functional behavioral assessment (FBA) and behavioral intervention plan (BIP)<sup>2</sup>, the CASE and Psychologist will meet to review the FBA and BIP to determine if it is designed to address the exhibited behaviors and is being fully implemented.
- CASE and Psychologist will identify the steps necessary to address any identified concerns with the FBA and/or BIP as a result the review.
- If the student does not have a current FBA, the CASE will schedule a committee on special education (CSE) meeting for the purpose of requesting consent to conduct an FBA.
- If the student does not have a current BIP or the existing plan requires amendments to better address the target behaviors, the CASE and Psychologist will meet with the student's teachers and parent(s) to amend the BIP.

#### **The following procedures must be followed when imposing a short-term suspension on a student with a disability:**

A suspension is imposed that does not exceed five school days and the student is still within the cumulative range of 1-10 total school days for the school year.

- The Principal determines the setting for suspension and the alternative instruction to be provided.
- Alternative instruction must be provided to the same extent as is provided to nondisabled students (Minimum one hour per day for elementary students; minimum two hours per day for secondary student).

A suspension is imposed that does not exceed five school days and this suspension will result in the student exceeding 10 total school days for the school year.

- The CSE determines the setting for suspension and the alternative instruction to be provided to the student.

---

<sup>2</sup> All FBA and BIP will be maintained in the IEP Direct Document Repository.



## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

- Alternative instruction must be provided to the same extent as is provided to nondisabled students (Minimum one hour per day for elementary students; minimum two hours per day for secondary student).
- Immediately, but in no case later than ten (10) school days after the decision is made impose the suspension, the CASE must convene the school's manifestation determination team<sup>3</sup> to review all relevant information in the student's file, including the student's individualized education program (IEP), any teacher observations, and other relevant information provided by the parents and then determine if:
  - ✓ the conduct in question was caused by or had a direct and substantial relationship to the student's disability; or,
  - ✓ the conduct in question was the direct result of a failure to implement the IEP.

If it is determined that the behavior is not a manifestation of the student's disability, the CSE will convene to determine the services necessary to enable the student to appropriately progress in the general education curriculum and advance toward achieving the annual goals set out in the student's IEP while serving the suspension.

If it is determined that the behavior is a manifestation of the student's disability, the student is returned to the placement from which the student was removed, unless the parent and District agree to a change in placement.

**The CSE has the following responsibilities during the short-term suspension process:**

First time a student is suspended or removed for a cumulative number of school days that totals more than ten (10) school days in a school year the CSE will convene to<sup>4</sup>:

- review existing FBA or conduct an FBA, if necessary;
- review an existing BIP and modify, if necessary;

---

<sup>3</sup> A manifestation determination team shall include a representative of the school district knowledgeable about the student and the interpretation of information about child behavior, the parent and relevant members of the CSE as determined by the parent and the District. Prior to the manifestation determination meeting, the CASE will provide the parent with written notification of the meeting using the notice template available in IEP Direct.

<sup>4</sup> The CSE should convene no later than ten business days after the imposing of a short-term suspension that cumulate to more than ten school days in a school year.



## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

- review the record/progress monitoring of the BIP implementation; or,
- develop and implement a BIP based on the results of the FBA, if the student does not have an existing BIP.

For subsequent suspensions, the CASE and Psychologist will review the existing FBA and BIP, including implementation and progress monitoring. If it is determined that modifications to the plan or its implementation are needed, the CASE will convene the CSE to review the BIP and any other concerns with the student's programs, services and/or placement.<sup>5</sup>

### III. Long-Term Suspension

- A long-term suspension refers to a suspension of a student from school in excess of five school days (see Section 6 in the District's *Student Behavior Resource Manual – March 2015*)

The following procedures must be implemented when a Principal requests to initiate the long-term suspension process:

- Principal determines the setting for immediate removal of the student pending the outcome of the long-term suspension process and consults with the CASE on the alternative instruction to be provided to the student.
- School must provide services to enable the student to appropriately progress in the general education curriculum and advance toward achieving the annual goals set out in the student's IEP pending the outcome of the long-term suspension process.
- CASE and/or Psychologist complete a manifestation screening document to identify if the behavior is potentially a result of the student's disability.
- The results of the manifestation screening are immediately provided to the Principal and submitted as part of the long-term suspension packet in accordance with Section 6 of the District's *Student Behavior Resource Manual*.

---

<sup>5</sup> The CSE should convene as soon as practicable after the suspension is imposed.



## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

**The following procedures must be immediately implemented following a long-term suspension hearing for a student with a disability:**

- The Central Manifestation Determination Team<sup>6</sup> must convene a meeting to 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 if:
  - ✓ the conduct in question was caused or had a direct and substantial relationship to the student's disability; or,
  - ✓ the conduct in question was the direct result of a failure to implement the IEP.

**The Central CSE has the following responsibilities during the long-term suspension process:**

- If it is determined that the behavior is not a manifestation of the student's disability, the Central CSE<sup>7</sup> will convene to determine the services necessary to enable the student to appropriately progress in the general education curriculum and advance toward achieving the annual goals set out in the student's IEP while serving the suspension.
- If it is determined that the behavior is a manifestation of the student's disability, the Central CSE will recommend that the student is returned to the placement from which the student was removed, unless the parent and District agree to a change in placement.
- The Central CSE will collaborate with the Building Level CSE and corresponding Zone Director of Specialized Services to ensure the timely completion of all recommended follow-up actions.

In addition, the Central CSE will coordinate with the Building CSE and/or IAES CSE, if applicable, to ensure the following:

- review existing FBA or conduct an FBA, if necessary;
- review existing BIP and modify, if necessary;
- review the record/progress monitoring of the BIP implementation;
- develop and implement a BIP based on the results of the FBA, if the student does not have an existing BIP.

<sup>6</sup> The Central Manifestation Determination Team must include a representative of the District knowledgeable about the student and the interpretation of information about child behavior, the parent, and relevant members of the CSE as determined by the parent and District.

<sup>7</sup> The Central CSE membership for the long-term suspension process includes a Central Local Educational Agency (LEA) Representative, the parent, and relevant staff from the student's school or program.



## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

#### **IV. Student presumed to have a disability for discipline purposes**

A student is presumed to have a disability for discipline purposes when the school district is deemed to have had knowledge that the student had a disability before the behavior that precipitated the disciplinary action occurred.

- It is the responsibility of the superintendent of schools, building principal or other school official imposing the suspension or removal to determine whether the student is presumed to have a disability.
- Prior to the disciplinary infraction, a basis of knowledge needed to exist that the child may have a disability. The parent of the child must have expressed concern in writing or verbally if a written impairment exists to administrative personnel or the child's teacher that the child is in need of special education and related services.
- The teacher of the child, or other school personnel, expressed specific concerns about the pattern of behavior demonstrated by the child directly to the CSE or other school administrators.

Maintaining an open line of communication between regular and special education administrators is critical. A Principal may suspend a student while a CSE has knowledge of the suspected disability. A disconnect here can lead to problems later.

A student is not presumed to have a disability for discipline purposes when:

- the parent of the student has not allowed an evaluation of the student to determine the student's eligibility for special education; or
- the parent of the student has refused consent for special education services; or
- it was determined that the student is not a student with a disability (not eligible).

#### **V. Expedited Evaluation**

Occasionally, a student will be referred to a CSE for an initial evaluation during the time the student is suspended or removed from school for behaviors that violated the code of conduct. In this instance, the CSE must conduct the evaluation in an expedited manner to ensure that the student is not subjected to long-term or repeated suspensions or removals that may, in fact, be due to a disability. An Impartial Hearing Officer and/or Judge could also request an expedited evaluation before a change in placement occurs.

The CSE has the following responsibilities for expedited evaluations:




## Department of Specialized Services

### Discipline Procedures for Students with Disabilities

- CSE must obtain parent consent and complete the individual evaluation no later than 15 school days after receipt of the request for evaluation;
- must determine eligibility in a CSE meeting held no later than five school days after completion of evaluation; and,
- if eligible for services, IEP must be developed and implemented for student within 60 school days from consent to evaluate.





# Discipline Procedures for Students with Disabilities

NYSED Part 201

IDEA Part B 34 CFR 300.530-530.537

## All students:

- ▶ If a student violates the school code of conduct and is being considered for a suspension or removal, school personnel must ensure the following due process protections are provided to the student and to the student's parent(s). For suspensions of five school days or less, the student's parent(s) or guardian must be provided with a written notice (section 3214 notice), and a follow-up telephone call if possible, within 24 hours of the incident leading to the suspension which describes the basis for the suspension and explains that the parent or guardian has a right to request an informal conference with the principal prior to the proposed suspension to discuss the incident and question any complaining witness(es) against the student.

# Steps in the disciplinary process for Students With Disabilities

**Step one:** Follow the same procedures as for any student

## School Staff:

- ▶ Sends written parent notice of suspension/ removal with reason for removal (citing code of conduct violation)
- ▶ Files copy of letter in student cum folder
- ▶ Makes a phone call to parent providing details of suspension and offer to meet to discuss
- ▶ Conducts an informal conference upon request
- ▶ Documents incident in PowerSchool the day of the suspension.

# Steps in the disciplinary process for Students with Disabilities who have been suspended 10 school days or less in a School Year

## Step 2a: arrange for instruction

### School Staff and CASE:

- ▶ If the student with a disability receives a disciplinary action that results in a suspension/removal for 10 days or less a school year:
- ▶ The Principal determines the setting for suspension and the alternative instruction to be provided.
- ▶ Alternative instruction must be provided to the same extent as is provided to nondisabled students (Minimum one hour per day for elementary students; minimum two hours per day for secondary student).

# Steps in the disciplinary process for Students with Disabilities who have been suspended more than 10 school days in a school year

## Step 2b: arrange for instruction

### School Staff and CASE:

- ▶ If the student with a disability receives a disciplinary action that results in a suspension/removal for more than 10 school days of suspension/removal within a school year, the CSE determines the setting for suspension, the services and the alternative instruction to be provided to the student.

- ▶ The building/school administration must provide Free Appropriate Public Education (FAPE) based upon the recommendations of the CSE.

### ▶ What is FAPE?

*the provision of regular or special education and related services that are designed to meet individual needs of a student with a disability in order to ensure access to the general education curriculum and the services necessary to make progress on Annual Goals set out on the student's IEP.*

# Proactive Steps

- ▶ CASE and Special Education Teacher:
  - ▶ Monitor suspensions for students with disabilities
  - ▶ For students with more than 5 days of suspensions, determine the need for additional behavioral supports. If the student has a BIP, ensure that it is designed to address the exhibited behaviors (related to the suspension) and that the BIP is being fully implemented
- ▶ CASE:
  - ▶ For students who have been deemed to require a BIP, initiate the process by generating a Prior Written Notice and obtaining parent consent to conduct a FBA

## Steps in the disciplinary process for SWD

**Step 3:** Determine if the suspension/removal will result in removal for more than 10 school days in a school year.

CASE and Special Education Teacher who knows the student best:

- ▶ For each student who has accumulated more than 10 school days of suspension or removal within a school year, schedule a Manifestation Determination Team Meeting may be followed by a CSE Program Review meeting within 10 School Days of recommendation for removal
- ▶ Send parent Manifestation Determination Review Team Meeting Notice with a copy of the Procedural Safeguards Notice in native language. Secure interpreter, if required
- ▶ Conduct the Manifestation Determination Team Meeting within 10 school days of proposed suspension
- ▶ Conduct the CSE/Program Review immediately following Manifestation Determination Team Meeting, if needed.

# Manifestation Determination Review Team Meeting for Students with Disabilities

## Required team membership

- ▶ District representative
- ▶ Psychologist or Social Worker
- ▶ Special Education Teacher
- ▶ Parent
- ▶ Student, if appropriate
- ▶ Any other relevant members of the CSE

## Meeting agenda

- ▶ Review suspension letters, discipline information, IEP, psychological report, Part 200 definition of disability and all other relevant data
- ▶ Solicit parent/Special Education Teacher input
- ▶ Review FBA/BIP information and updates
- ▶ Complete Manifestation Questionnaire
- ▶ Complete Frontline Process Log indicating Manifestation Determination Review Team Meeting took place. Indicate manifestation or no manifestation found. If manifestation found, cite reason for finding
- ▶ If no manifestation is determined, the student serves suspension
- ▶ If manifestation is found, student returns to placement from which he/she was removed and there is no suspension, unless the parent and district agree that a change in placement is necessary



## CSE meeting following Manifestation Determination Disposition: NO Manifestation of Disability

### Required team membership

- ▶ District representative
- ▶ Psychologist or Social Worker
- ▶ Special Education Teacher
- ▶ General Education Teacher
- ▶ Parent
- ▶ Student, if appropriate
- ▶ Other

### Meeting agenda

- ▶ Determine FAPE considering program and services required for student to participate in general education curriculum and progress toward IEP goals while serving suspension
- ▶ Determine the need for FBA/BIP or BIP revision or any other changes to student's Special Education program
- ▶ IEP Comments indicate FAPE: program, services for the duration of the suspension; and any changes to the IEP
- ▶ PWN is created documenting FAPE while student is suspended and changes to IEP when the student returns to program

## CSE meeting following Manifestation Determination Review Team Disposition: Manifestation of Disability

### Required team membership

- ▲ District representative
- ▲ Psychologist or Social Worker
- ▲ Special Education Teacher
- ▲ General Education Teacher
- ▲ Parent
- ▲ Student, if appropriate
- ▲ Other relevant members of the CSE

### Meeting agenda

- ▲ Initiate FBA/BIP process, requesting consent for FBA OR BIP revision
- ▲ If manifestation was found due to failure to implement IEP, identify aspects which were not implemented and provide a plan for implementation
- ▲ Review program and services to determine whether the current IEP is appropriate
- ▲ Discuss and recommend program and services to address specific student behaviors and/or program deficits
- ▲ IEP draft is created. Comments indicate program, services and recommended changes to the IEP
- ▲ PWN is created recording recommendations/changes to program and services

**NYSED Part 201.10 Provision of services during suspensions.**

(a) During any period of suspension, a student with a disability shall be provided services to the extent required under this section and paragraph (e) of subdivision 3 of section 3214 of the Education Law. Nothing in this section shall be construed to confer a greater right to services than is required under Education Law, section 3214(3)(e) and Federal law and regulations.

(b) During suspensions or removals for periods of up to 10 school days in a school year that do not constitute a disciplinary change in placement, students with disabilities of compulsory attendance age shall be provided with alternative instruction pursuant to Education Law, section 3214(3)(e) on the same basis as nondisabled students. Students with disabilities who are not of compulsory attendance age shall be entitled to receive services during such suspensions only to the extent that services are provided to nondisabled students of the same age who have been similarly suspended.

**RCSD Procedures for providing alternative instruction during Out of School Suspensions for SWD**

1. *When a student with a disability is considered for an out of school suspension, the Principal must work with the Special Education Administrator/Coordinating Administrator of Special Education (CASE) in developing a plan for alternative instruction and ensuring implementation of that plan prior to the first day that out of school suspension is served.*
2. *The suspension plan must include: the dates of suspension and the frequency and duration of instruction meeting the criteria established in Education Law section 3214. Remedial work for missed instruction must be provided by the suspending school for each subject.*
3. *The CASE must communicate the need for alternative instruction to the Department of Specialized Services before the suspension is in effect. The CASE will complete the CTTS Request for Services Form and submit to the Department of Specialized Services Secretary.*
4. *The Itinerant teacher support services will be coordinated by the Department of Specialized Services Secretary and secured through BOCES 1. Specifics regarding this request for services will be communicated by the Secretary to the requesting CASE.*
5. *The CASE is required to maintain adequate records indicating the provision of alternative instruction by itinerant teachers. Documentation may include, but not be limited to, tutoring logs, time sheets, work samples, etc.*

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

As you know, your child, \_\_\_\_\_, was suspended from school on \_\_\_\_\_. The Individuals with Disabilities Education Act of 2004 requires that a manifestation team consisting of a district representative knowledgeable about the student, the parent, and relevant members of the committee on special education (CSE), as determined by the parent and the school district, must conduct a manifestation determination review given a suspension that may constitute a disciplinary change of placement.

The Manifestation Team will determine if:

- the conduct in question was caused by or had a direct and substantial relationship to your child's disability; or
- the conduct in question was the direct result of the school district's failure to implement the individualized education program (IEP).

The manifestation review meeting will take place on \_\_\_\_\_ at \_\_\_\_\_. It will be held at \_\_\_\_\_.

The following staff members are expected to attend.

- District Representative, \_\_\_\_\_
- Special Education Teacher, \_\_\_\_\_
- General Education Teacher, \_\_\_\_\_
- School Psychologist, \_\_\_\_\_
- Other staff members deemed to relevant, \_\_\_\_\_

As the Parent, you may also request other relevant members of the CSE to attend. Please notify me as soon as possible if you feel other staff members should attend so arrangements for their attendance may be made.

As previously discussed with you, the manifestation determination review may be followed by a CSE meeting to review your child's IEP and consider any necessary revisions, discuss continuation of services during the disciplinary process, if applicable, and consider a functional behavioral assessment and behavioral intervention plan if appropriate.

A copy of *New York State Education Department Procedural Safeguards Notice Rights for Parents of Children with Disabilities* is enclosed for your information. If you have questions or desire assistance in understanding the provisions of these procedural safeguards, please contact

\_\_\_\_\_. Additional copies of this safeguards document are available at the Department of Specialized Services located at Central Office, 131 Broad Street, Rochester, NY 14614.

If I can be of assistance to you, please contact me at \_\_\_\_\_.

Sincerely,



## Department of Specialized Services

### Plan for the Provision of a Free Appropriate Public Education

(For Students with Disabilities Placed in Interim Alternative Educational Settings and/or on Home/Hospital Instruction)

Student Name/ID Number: \_\_\_\_\_ Start Date: \_\_\_\_\_

Placement Type: ☐ Interim Alternative Educational Setting

Location: \_\_\_\_\_

☐ Home/Hospital Instruction

Location: \_\_\_\_\_

Reason for Plan:

---

---

---

The following sections must be completed at a Committee on Special Education (CSE) meeting:

**Section I. – Identify the core content area courses (including Language Other Than English) the student will receive while placed in the Interim Alternative Educational Setting (IAES) and/or home/hospital instruction (HHI).** Attach a copy of the student's course schedule from his/her previous placement and a copy of the course schedule for the IAES and/or HHI placement.

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

**Section II.** Describe the plan to provide the student with access to his/her general education electives/special area subjects while placed in the IAES and/or HHI.

---

---

---

---

---

## Department of Specialized Services

### Plan for the Provision of a Free Appropriate Public Education

(For Students with Disabilities Placed in Interim Alternative Educational Settings and/or on Home/Hospital Instruction)

**Section III.** Describe the plan to provide the special education services identified on the student's current individualized education program (IEP) to ensure he/she can continue to progress towards the annual goals identified by the CSE.

---

---

---

---

---

**ROCHESTER CITY SCHOOL DISTRICT  
CODE OF CONDUCT  
Policy 1400**

**Approved by the Board of Education on June 16, 2016  
pursuant to Resolution 2015-2016: 856**

## ACKNOWLEDGMENT

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

This Code is intended to be a living document. We have begun with an initial goal of minimizing the push-out of students through suspensions and arrests, which are shown to contribute to what has been termed the “school-to-prison pipeline.” Multiple layers contribute to students’ success and well-being, including engaging families as partners and assuring that District personnel and school-level staff have the supports and resources they need to implement the new Code. The focus of all of our collaborative efforts, including this Code and beyond, is a vibrant and supportive school climate across the District.

We will learn as we put this Code into action. We will push toward the aspirations within it, even as we strive to assure the supports needed are in place. We will make changes and develop sections that need further work based upon our learning, and we will assess our progress ongoing in order to achieve the goals of keeping students safe, in school, and flourishing.



## TABLE OF CONTENTS

SCHOOL CULTURE AND CLIMATE	4
TO WHOM, WHEN AND WHERE THE CODE APPLIES	4
PROMOTING POSITIVE STUDENT BEHAVIOR	5
GUIDING PRINCIPLES	6
FAMILIES AS PARTNERS	9
DEVELOPMENTAL SUPPORTS FOR SCHOOL PERSONNEL, COMMUNITY MEMBERS,	
PARENTS AND STUDENTS	11
SHARED ACCOUNTABILITY	12
RIGHTS, RESPONSIBILITIES AND EXPECTATIONS	15
Students' Rights & Responsibilities	16
Parents' Rights & Responsibilities	18
Principals' & Staff Expectations	19
Dignity Act Coordinator Expectations	20
Superintendent Expectations	21
School Board Expectations	21
PREVENTION, INTERVENTION & PROGRESSIVE DISCIPLINE	22
Universal Prevention	22
Guidance Interventions Contrasted with Disciplinary Responses	22
Progressive Discipline	22
Restorative Approaches	23
LEVELS OF INTERVENTION AND DISCIPLINARY RESPONSES	23
Factors to Consider in Determining Disciplinary Responses	23
Guidance for Disciplinary Responses	24
Range of Disciplinary Responses and Delineation of Authority	24
Matrix for Guidance Intervention and Disciplinary Responses	25
How to Use the Behaviors and Responses Matrix	26
Tables of Levels of Interventions and Disciplinary Responses	28
School Based Safety Codes	40
Arrests and Referrals to Law Enforcement	40
Student Removals & Due Process	41
Alternative Instruction	41
Prohibited and Permitted Physical Force	42

Rochester City School Board Policy Manual	1400
Student Searches	42
Computer Identification Systems & Random Metal Detection	44
Students' Electronic Devices	45
District Computer Equipment/Websites/E-mail Used by Any Person	45
Public Conduct on School Property	46
Prohibited Conduct on School Property	46
Visitors to Schools	48
Reporting Violations	49
Weapons, Alcohol & Illegal Substances	49
Enforcement	50
DATA COLLECTION	51
Annual Data Collection & Review	51
School Climate and Discipline Oversight	52
ANNUAL REVIEW, DISSEMINATION, AND REGULATION	52
Dissemination	52
Promulgation of Administrative Regulations	53
Resolving Incompatibility with Other Policies or Regulations	53
Severability	53
APPENDIX A – DRESS CODE	54
APPENDIX B – RESTORATIVE APPROACHES	58
APPENDIX C – DUE PROCESS	61
APPENDIX D – STUDENTS WITH DISABILITIES	71
APPENDIX E – LAW ENFORCEMENT	74
APPENDIX F – GLOSSARY	79

## **SCHOOL CULTURE & CLIMATE**

School culture and climate affect everyone in a school community. By creating supportive and welcoming communities, we ground the lives of every community member in the values we all care about, a quality education for all students and a supportive and positive school environment for students, parents, teachers, support staff or administrators. Such grounding for all creates a profound impact upon students, both in their academic progress and their relationships with peers and adults. It deeply enhances the quality of life and the work environment for all staff in the school building. It makes a school welcoming to families and our wider community. For schooling to be successful, each school must establish and maintain a positive school culture that supports all its members—students, families, and staff—as they work together to grow, both socially and academically.

Building positive school culture entails a great deal of active work by all members of a school community. Members must come together to determine the values by which they wish to live, ensuring in doing so that the voices of all are heard. They must explore with each other types of behaviors that they believe will support their shared values, as well as behaviors that they believe will undermine them. They must have--and take advantage of--frequent opportunities to reflect on behaviors they actually participate in or observe, and to consider how to use more supportive behaviors. They must engage in frequent dialogue with other community members regarding issues of community behavior, climate, and culture. Such matters need to be a major part of study and curriculum at the school, making social, moral and ethical growth a key component of education.

## **TO WHOM, WHEN AND WHERE THIS CODE APPLIES**

Unless otherwise indicated, this Code applies to all students, District personnel, parents, visitors and other persons on school property or attending any school function, and applies to behavior:

1. In school during school hours;
2. Before and after school, while on school property;
3. While traveling in vehicles funded by RCSD;
4. At all school-sponsored events; and
5. Off school grounds or outside regular school hours that has the potential to result in a disruption to the educational process or endanger the health, safety or welfare of those in the school community.

## PROMOTING POSITIVE STUDENT BEHAVIOR

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

### STUDENT ENGAGEMENT

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities, to take agency and leadership in setting the tone for their school, and, at the same time, to bond with caring, supportive adults can help prevent negative behaviors and create vibrant learning opportunities for all.

Examples can include:

- providing students with meaningful opportunities to share ideas and concerns and to take an active role in school-wide initiatives and decision-making;
- student leadership development that engages a wide variety of students with different interests, personalities and cultural backgrounds (i.e., not just academically excelling, civically engaged or so-called "popular" students) who put their creativity, talents, and peer influence into action to help set the tone of a vibrant school climate;
- regular recognition of students' achievements in a range of academic and co-curricular areas;
- practice sharing constructive feedback;
- school-wide systems that promote hope, aspirations, and positive, pro-social behavior.

Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and supports they need to thrive.

## GUIDING PRINCIPLES

### Right to High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should be used to help them engage in and realize that right, not to exclude students from school or otherwise deprive them of such an education. The District will strive to reserve suspensions solely for those cases in which graduated disciplinary efforts have been employed without success, or circumstances in which the safety of students or staff or the continuance of the educational process is at risk.

### General Principles

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

The purpose of discipline must be to understand and address the causes of behavior, resolve conflicts, repair the harm done, restore relationships and reintegrate students into the school community. In addition, particular attention and intervention support shall be provided to vulnerable families and youth at risk of being pushed out. School staff must be supported both to develop these skills and to practice them in conjunction with students, families and their own colleagues. In order for this effort to be successful, students and their families must be valued and empowered to work together with District staff to achieve these goals.

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

- **Principle #1 – Positive Relationships**

School safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning.

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

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

- **Principle #3 – Engaging Instruction and Effective Classroom Management**

Effective and engaging instruction and classroom management are the foundation of effective discipline.

- **Principle #4 – Prevention and Intervention**

School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.

- **Principle #5 – Discipline with Guidance**

School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.

- **Principle #6 – Maximize Learning and Minimize Removal**

Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms while protecting the safety of the school community and the educational process.

- **Principle #7 – Exclusionary Discipline as a Last Resort**

Use of In-School Suspensions, Out-of-School Suspensions, Expulsion, and Referrals to Alternative Schools should be minimized and used on a graduated basis wherever possible. The priority shall be to keep students in class whenever school safety and continuance of the educational process allow.

- **Principle #8 – Student Supports**

Schools must utilize guidance interventions and other appropriate support services to provide effective discipline and guidance to students, including and especially those returning from exclusionary discipline, to maximize their ability to meet social and academic standards within the school community.

- **Principle #9 – Student Responsibilities**

All students have the responsibility to work to the best of their abilities, attend school daily unless they are legally excused, contribute to maintaining a safe and supportive school environment, treat peers and school staff in a respectful manner, accept responsibility for their actions, hold themselves to the highest standards of conduct and demeanor, and promote a climate of mutual respect and dignity toward all in the school community.

- **Principle #10 – Limited Role of Law Enforcement**

School Resource Officers (SROs), School Safety Officers (SSOs) and other school safety personnel are important resources in supporting school communities to prevent and resolve conflict in positive ways. The District will support or provide training to SROs and SSOs in restorative practices, youth development, and how to respond to the special needs of young persons. All law enforcement personnel shall use, to the maximum extent possible, techniques to de-escalate conflict and repair harm and that minimize the use of arrests; and shall defer to school personnel on all issues considered to be school disciplinary matters. Every effort shall be made to identify alternatives to arrest when applicable.

- **Principle #11 – Address Racial Disparities in School Discipline**

The District must address and respond to racial inequities, institutional racism and other forms of discrimination or bias that present barriers to student success. To do so, a process must be provided whereby members throughout the school community can engage with issues honestly with the goal of healing and strengthening relationships and of uniting resolve to change how we do things and rectify the damage done by institutional racism and implicit bias.

- **Principle #12 – Non-Discrimination**

School discipline must be implemented without discrimination based on ethnicity, race, color, religion, religious practice, national origin, ancestry, sex, gender or gender identity, sexual orientation, age, weight/appearance or disability.

- **Principle #13 – Due Process**

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

- **Principle #14 – Training**

Teachers, administrators and school staff shall receive training on classroom/school management, conflict resolution, and non-punitive approaches to discipline.

- **Principle #15 – School-Level Policy**

Schools-level rules and codes of conduct must be consistent with this Policy, approved by the Superintendent or designee and distributed to students and parents in a manner consistent with this Policy. Schools are also expected to develop plans for improving school climate.

- **Principle #16 – Distribution of Policy**

Students, parents, teachers and other school personnel must be well-informed of school discipline policies. The District shall distribute a summary of this Policy to all students and their parents and post the Policy on the District website and in an accessible place within each school.

- **Principle #17 – Family Engagement**

Schools exist to support families in the education of their children and all staff should embrace reciprocity and meaningful engagement. School staff will keep parents informed of their children's behavior—both positive and negative, enlist them as partners in addressing areas of concern, and always inform them directly when exclusionary discipline is called for.

- **Principle #18 – Shared Accountability**

Schools should collaborate with union, community and agency partners in order that school staff are made aware of resources and supports that will aid in their personal development and maximize their abilities to meet the academic and social needs of students in the Rochester community.

## FAMILIES AS PARTNERS

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

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

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

### ATTENDANCE

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

Each school should review cases of chronic absenteeism, classroom removals, and/or truancy and should involve attendance teachers, administrators, school counselors, teachers, social workers, and other school staff in facilitating a resolution.



children's school, including the Parent Liaison/Homeschool Assistant, or, if necessary, the Office of Parent Engagement.

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

Cross Ref.:

Policy #0100 District Policy Prohibiting Discrimination or Harassment of Students or Employees

Policy #1000 Community Relations Goals

Policy #1200 Community Involvement

Policy #1240 Visitors to the Schools

Policy #1500 Public Use of School Facilities

Policy #1520 Public Conduct on School Property

Policy #1530 Smoking on School Premises

Policy #1950 Acceptable Use of the District Network

Policy #2120.1 Electioneering in Schools

Policy #4311.2 Civic Education

Policy #4526 Internet Acceptable Use

Policy #5100 Student Attendance and Withdrawal

Policy #5305 Eligibility for Extracurricular Activities

Policy #5310 Student Discipline

Policy #5311 Student Rights & Responsibilities

Policy #5312.1 Drug and Alcohol Abuse

Policy #5312.1a Drug Free Schools

Policy 5312.2 Dangerous Weapons in School

Policy #7050 Community Use of Schools

Policy #8100 Health & Safety Program

Policy #8135 Safe Schools

Policy #8414.4 Video Cameras on School Buses

Policy #9320 Drug Free Workplace

## DEVELOPMENTAL SUPPORTS FOR SCHOOL PERSONNEL, COMMUNITY MEMBERS, PARENTS, AND STUDENTS

A transformed, intentional school climate and culture must emphasize support for all members of the school community to maintain its vitality. Specifically, school leadership and personnel who hold positions throughout the building must be supported with a variety of resources and approaches that enable them to learn and to foster the changes and growth needed. In addition, students, families, and community members need these supports as well. Among these, everyone involved in our schools needs to be able to count on the following:

- **More opportunity to work in groups**, which reinforces interdependent, collaborative thinking.
- **Professional growth opportunities** (including trainings, professional development, shadowing colleagues or in model schools, etc.) that are aimed at the purposes and goals of transformed school climate. Vital trainings include: how to implement restorative practices; examining multiple layers of internalized, interpersonal and institutional racism that contribute to racial disparities in discipline and achievement; trauma-informed responses; and others identified by educators.
- **Community growth opportunities** that will enable families, students, and other community members to understand--and participate in--the transformation of school climate that is the central aim of this effort.
- Even as we learn from people who are deeply, theoretically grounded in this work, growth and shifting culture must be done *WITH*, not *TO* people. Engagement comes from invitation to do *with* as **co-creators of the new path forward**.
- **Avoid "one and done."** Opportunities and time to design and practice within the context of their group of co-creators, as well as across stakeholders, along with ongoing mentoring and peer support.
- **Specific tools that everyone understands with common language** (i.e., restorative practices, anti-racism, trauma-informed practices, internal motivation).
- Simultaneously, the **recognition that there are multiple approaches** to achieving our goals and encouragement to see one another as resources rather than threats, opportunities to learn from one another for expanded knowledge, skills and tools.

- **Space with equipped support staff**, like a Student Help Zone or other area, where trained staff and/or counselors can help students work through their difficulties with the goal of getting back to the classroom as soon as possible and better able to engage with their peers and school staff.
- **A shared conviction that moral, ethical, and social development are fundamental purposes** of education, along with recognition that current educational constructs and testing regimens are pushing out the ability to focus on building blocks of personal development.
- **Time and incentives to support students' interests**, such as advising, coaching, and developing clubs and activities that boost connectedness and pride in their school.
- **Regular signals that the District is investing in supports** to transform school climate with benefits for everyone. The vision for school climate must be emphasized at all levels of the District's communications, brand, resources, and supports with the frequent message that this humane and powerful approach is worth the ongoing investment of time and effort.
- **Minimize turnover at all levels** as we find ways to institutionalize this commitment.
- **Tools for measuring the impact** of restorative and other practices teachers, schools and families are putting into place.

RCSD commits to working in a collaborative spirit across the district to phase in these supports as we work together to fundamentally transform our schools to become more restorative, problem-solving and welcoming.

## SHARED ACCOUNTABILITY

### *Rationale*

The climate of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of ownership and also responsibility for one another's well-being—has a profound effect on people's ability to take creative risks, learn, grow and nurture others.

Adults are also capable of making mistakes or poor choices, saying or doing things that can have a hurtful impact, even when that is not the intent. This becomes pronounced within systems where people are placed in oppositional positions, with unreasonable pressures or scarce resources, and within the context of a society that continues to struggle with inequality, racism, sexism, ableism, ageism, heterosexism and other divisive structures.

There are learning opportunities for everyone. We all can learn much when we stop to listen, take stock of what is important to us, give attention to relationships and healing, understand the impact of our actions, and practice effective communication while owning and taking responsibility for our actions. Adults are role models for young people and teach also by the way they respond to being taken to account. Within a supportive, non-punitive, problem-solving environment with a shared vision, everyone benefits from shared accountability.

***What is meant by “shared accountability?”***

In all school communities, accountability must be equitably shared and reciprocal, rather than hierarchical. All community members should hold themselves, and each other, accountable both to their community and to their shared vision for their community. Members are encouraged to reflect frequently on how their behaviors either support the shared values of the community or fail to do so, and to consider behaviors that would be more supportive of the community's values.

People in the group can look at one another's actions and behaviors against shared values and communicate with others when actions undermine those shared values.

- Optimally, we establish our shared values together for how we want to operate and support one another as a community.
- Our values should be assertive toward changing the conditions that have been damaging or have been holding us back from all of us reaching our full potential as individuals, as a community, and as an institution.
- Members of the school community have an agreement with each other that we need to acknowledge and show appreciation when people are going above the shared standard, and to acknowledge and call upon people to listen, own and address their actions that have had a harmful impact.

- Everyone should know they are safe to RAISE issues, that they will be HEARD, and that something will HAPPEN in response, particularly with a focus on restoring relationships, healing, and problem-solving.
- While recognizing that formal and informal hierarchies are actively in play, shared accountability requires equity in voice *even where* there is disparate positional power. People must consciously resist leaning into our positional power to deflect or to not acknowledge when we have done harm. Shared accountability is first and foremost horizontal, not vertical or hierarchical.
- Shared accountability requires a supportive, non-punitive, problem-solving environment that is actively co-created and nurtured ongoing. As part of this environment, safe spaces allow for transparency and equitable voice among members of the community. The maintenance of the safe space is paramount for this to be effective.
- Accountability is typically not comfortable. Thus, shared accountability requires trust that we are going somewhere real together. School communities are encouraged to establish structures and processes through which such accountability can support community values and the ongoing moral and ethical development of all its members.

Rochester and RCSD have a lot of building blocks that will help pave the road toward shared accountability:

- Educators go into the profession to have an impact and are fed by feeling that impact. Thus, we have win-win reciprocity: when everyone in the school community feels nourished by good communication and the liveliness of being with students who are excited to be there:
  - è quality of life and work environment is enhanced,
  - è learning is improved, and
  - è everyone gains more respect for one another, and thus, the ability to work together as a team for students' well-being and success.
- There is a solid community of people who *want* things to be better in Rochester and RCSD, and are working toward this.

- More efforts are happening to be sure that opportunities are at the other end of school when students graduate (i.e., jobs, college access, etc.) so that they feel purpose, hope and investment in their education.
- The WHOLE school experience provides opportunity for learning and growth for all members of the school community.

We aspire to sharing accountability within our District and school communities. We know that significant shifts must be made culturally and structurally to achieve this. Thus, we commit to practicing and stretching ourselves beyond what feels familiar and comfortable to help usher in the school climate that supports continual growth and joy in teaching and learning.

## **RIGHTS, RESPONSIBILITIES AND EXPECTATIONS**

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

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

The Dignity for All Students Act (Dignity Act) requires that no student is subject to discrimination or harassment, based on a person's actual or perceived race, color, weight/appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity or sex by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and has the potential to adversely affect another student's ability to participate in or benefit from a school's education or extracurricular program.

Harassment may include, among other things, the use, both on and off school property, of information technology, including, but not limited to email, instant messaging, blogs, chat

rooms, pages, cell phone, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as “cyber-bullying.”

School employees who witness harassment, bullying or discrimination or receive an oral or written report of such acts shall promptly notify the principal or Dignity Act Coordinator in accordance with Board Policy 0100 and 0100R. SRO's should be notified in order that they may offer support in an advisory capacity and conflict resolution.

Cross ref: Policy 0100 “District Policy Prohibiting Discrimination or Harassment of Students or Employee; Regulation regarding Reporting Incidents of Discrimination or Harassment”

### Students' Rights & Responsibilities

The District is committed to upholding students' rights in accordance with the following. Students are also expected to fulfill their responsibilities to fully participate in their education as outlined below.

RIGHTS	RESPONSIBILITIES
1. To attend school in the District in which one's legal parent or legal guardian resides and receive a free and appropriate public education from age 5 to 21, as provided by law.	1. To attend school daily, regularly and on time, perform assignments, strive to do the highest quality work possible, be prepared to learn, and be granted the opportunity to receive a good education.
2. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	2. To be aware of all rules and expectations regulating students' behavior and conduct themselves in accordance with these guidelines.
3. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.	To respect everyone in the school community and to treat others courteously, fairly and respectfully.
4. To express one's opinion verbally or in writing.	3. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the right and privileges of others.
5. To dress in such a way as to express one's identity and personality.	4. To dress appropriately in accordance with the dress code.
6. To be afforded equal and appropriate educational opportunities, including access to extracurricular and afterschool programs.	5. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
7. To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practices, sex, sexual orientation, gender/gender identity, national	6. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.

origin, ethnic group, political affiliation, age, marital status, or disability.

8. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.
9. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school sponsored event, function or activity.
10. To freedom of speech and of the press and the right to petition and peacefully organize with other students with the purpose of improving the school, classroom, and/or learning environment.
11. To due process, to be considered innocent until proven guilty, and to a fair and impartial grievance process to resolve student concerns.
12. To organize with other students and self-represent in important school decision-making processes.
13. To affordable and nutritious food in the school environment.
7. To be aware of the information and services and to seek assistance in dealing with personal problems, when appropriate.
8. To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.
9. To work together with classmates and school staff to maintain a positive school climate.
10. To complete school work abiding by school rules on academic honesty.

Ref: 8 NYCRR 100.2(1)(2)(ii)(o)

Policy #0100 District Policy Prohibiting Discrimination or Harassment of Students or Employees

Policy #5311 "Student Rights and Responsibilities"



### Parents' Rights & Responsibilities

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

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

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

### Principals' & Staff Expectations

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

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

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

#### Dignity Act Coordinator Expectations

##### **Expectations**

1. Oversee and coordinate the work of building-level bullying prevention activities.
2. Be thoroughly trained to handle human relations in the areas of race, color, weight/appearance, national origin, ethnic group, religion or religious practice, disability, sexual orientation, gender/gender identity and sex.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Be responsible for monitoring and reporting the effectiveness of the school's bullying prevention practices.
5. Meaningfully address issues of harassment or situations that threaten the emotional or physical health and safety of any student lawfully on school property or at a school function.
6. Be accessible to students, parents and staff members.

### Superintendent Expectations

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

#### **Expectations**

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

### School Board Expectations

The School Board is obligated to ensure that the District has a Code of Conduct that effectively supports positive school climates.

1. Collaborate with students, teachers, administrator and parent organizations, school safety personnel, other school personnel and the community to develop a Code of Conduct that clearly defines expectations for the conduct of students, District personnel and other persons on school property and at school functions.
2. Adopt and review at least annually the Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.
3. Adopt an annual budget that supports effective implementation of the Code of Conduct.
4. Appoint one staff member in each school building who is thoroughly trained to handle human relations in the areas of race, color, weight/appearance, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex (Education Law §13[3]) as the Dignity Act Coordinator (DAC).
5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
6. Take appropriate measures where violations of the Code of Conduct occur.

## **PREVENTION, INTERVENTION & PROGRESSIVE DISCIPLINE**

### **Universal Prevention**

A district-wide, whole school approach to promoting positive behavior is the foundation to building and maintaining a positive culture within each school. A universal youth development prevention framework that is consistent, pro-active and builds on the strengths of all students, adopted district-wide and implemented within each school and classroom provides prevention supports to all students. Prevention strategies incorporated into classroom daily activities and integrated into curriculum reinforces and supports relationship-building, strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and forms the foundation for a discipline framework.

### **Guidance Interventions Contrasted with Disciplinary Responses**

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

Supportive and guidance interventions are preferred over punitive and exclusionary approaches, yet there will continue to be situations in which students will receive disciplinary and exclusionary consequences. The Code of Conduct uses the term “disciplinary response” to describe warnings, loss of privileges, detentions, suspensions and other disciplines, in contrast to “guidance intervention” which denotes more individualized and supportive responses to problem behaviors.

### **Progressive Discipline**

Understanding discipline as a “teachable moment” is fundamental to RCSD’s approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline seeks concurrent accountability, learning, and behavioral change.

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

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

This Code of Conduct outlines interventions and consequences that are appropriate to respond to student behaviors.

### **Restorative Approaches**

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

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

For more detail, see Appendix B (Restorative Practices).

## **LEVELS OF INTERVENTION AND DISCIPLINARY RESPONSES**

### **Factors to Consider in Determining Disciplinary Responses**

School staff must consider what factors contributed to the problem behavior and whether such behavior could be alleviated by helping the student understand and deal with the factors causing the behavior.

1. Age, health, and disability or special education status of the student.
2. Appropriateness of student's academic placement.
3. Student's prior conduct and record of behavior.

4. Student's understanding of the impact of their behavior.
5. Student's willingness to repair the harm caused by their behavior.
6. Seriousness of the behavioral offense and the degree of harm caused.
7. Whether the behavior constitutes a DASA violation, and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances/context in which the conduct occurred.
9. Whether the student was acting in self-defense.
10. Whether the student's offense threatened the safety of any student or staff member.
11. Impact of the incident on overall school community.
12. The likelihood that a lesser intervention would adequately address the violation.
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.
14. Any other mitigating or aggravating circumstances that may be relevant.
15. In the event that a court issues an order of protection for the benefit of a District student or employee, the student against whom the order is issued may be transferred to another school if necessary to comply with the order.

#### Guidance for Disciplinary Responses

School staff have discretion in choosing which interventions and consequences within the level are appropriate, but their discretion is guided by the following:

- Whenever possible and appropriate, the response to misconduct should begin with the lowest level of disciplinary response and should include appropriate guidance intervention(s).
- Whenever possible and appropriate, prior to imposing exclusionary discipline, school officials should exhaust less severe disciplinary responses and use guidance interventions.
- More severe accountability measures and intensive guidance interventions will be used with students who engage in a pattern of persistent misconduct.

#### Range of Disciplinary Responses and Delineation of Authority

1. Oral warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent.
3. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent or designee.
4. Detention – teachers and other certificated staff, Principal, Superintendent or designee.

5. Suspension from transportation – Director of Transportation, Principal, Superintendent or designee.
6. Suspension from athletic participation – coaches, Principal, Superintendent or designee.
7. Suspension from social or extra-curricular activities – activity director, Principal, Superintendent or designee. Teachers may suspend students from social or extra-curricular events or activities which the particular teacher organizes and supervises.
8. Suspension of other privileges – Principal, Superintendent or designee.
9. Suspension or revocation of student's access to District computers and Internet connections—Principal, Superintendent or designee.
10. In-school suspension – Principal, Superintendent or designee.
11. Removal from classroom by teacher – teachers.
12. Short-term (five days or less) suspension from school – Principal, Superintendent or designee, Board.
13. Long-term (more than five days) suspension from school – Principal (may recommend), Superintendent or designee or Board (may impose long-term suspension).
14. Removal from a regular school program—Superintendent or designee, Board.
15. Permanent suspension from school – Superintendent or designee, Board.
16. Other remedies authorized by law—official designated by applicable statute or regulation.

#### Matrix for Guidance Interventions and Disciplinary Responses

The Code of Conduct holds students accountable for their behavior. Misconduct is grouped into four levels based on the seriousness of the behavior. Each level contains a variety of interventions and consequences for school staff to use in response to the student behavior. The Code of Conduct provides graduated accountability measures for students who engage in repeated behaviors despite prior interventions or consequences.

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

The Matrix intentionally limits the behaviors for which a student can receive a disciplinary exclusion, such as classroom removal, short or long term suspension, or expulsion. Except for prolonged or repeated behaviors, students are not suspended for Level 1 or 2 behaviors or removed from a classroom for Level 1 behaviors. Students may be given a classroom removal for Level 2, 3, or 4 behaviors. Students may be given suspension for Level 3 or 4 behaviors. Students who engage in misconduct that is not included in the Matrix are subject to



appropriate disciplinary measures as determined by school administration consistent with the disciplinary levels for similar behaviors set forth in the matrix.

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

### How to Use the Behaviors and Responses Matrix

In responding to misconduct, school staff should use the matrix below, in conjunction with the table above, as follows:

1. School staff should locate the behavior on the Matrix.
2. On the first instance of any inappropriate or disruptive behavior, school staff shall utilize one or more guidance interventions, and disciplinary responses, if appropriate, from the lowest level indicated (bulleted) on the Matrix for that behavior (or one or more interventions or disciplinary responses from any lower level). (See table above for interventions and responses.)
3. If the same behavior is repeated during the same school year, school staff may utilize one or more interventions or disciplinary responses from the next higher level on the Matrix for that behavior, or any lower level. If there is only one level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level. Except in cases of **repeated and persistent violations of the same or similar nature**, the Matrix's response levels shown for a particular behavior may not be exceeded.
4. Except in cases of repeated and persistent violations of the same or similar nature, school staff may not utilize interventions and disciplinary responses from those boxes that are shaded. In those cases in which the disciplinary response from the shaded boxes are used, restorative practices should still be considered as a component of the response.

Staff is encouraged to use guidance interventions whenever possible.

### **EXAMPLE**

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

- > If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two.
- > If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One and Two.
- > In circumstances in which the student has **repeatedly and persistently** engaged in **violations of the same or similar nature**, interventions from Levels Three or Four (shaded in gray) may be utilized.

\*The list of guidance interventions is not all-inclusive. Other options that support students in the classroom and in the school without removing them from the school environment may be considered and used.

## LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

### Universal Prevention for All Students

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

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

**KEY: USE LOWEST LEVEL INDICATED FIRST**

<b>Level 1:</b> Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.		<b>Level 2:</b> Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.		<b>Level 3:</b> Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).		<b>Level 4:</b> Request for Long Term Suspension – may be appropriate when student's behavior seriously affects the safety of others in the school.
INAPPROPRIATE OR DISRUPTIVE BEHAVIOR		LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
<b>Absences</b>						
• Unexcused tardiness or absence from school.		●				
• Persistent or excessive absence from school.		●	Guidance intervention only ●			
<b>Academic Dishonesty</b> (i.e., cheating or plagiarizing)						
• Cheating or plagiarism.		●	●			
<b>Alcohol</b>						
• Under the influence* (see special note at end of matrix)			●	●		
• Possessing			●	●		●
• Distributing or selling (includes possession under circumstances evincing intent to sell).				●	●	●
<b>Attack on Student</b> (i.e., hitting, kicking or punching another student without warning or provocation)						
• No injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes).			●	●		
• Bodily injury K to grade 6.			●	●	●	
• Bodily injury grades 7 to 12.				●	●	●
<b>Bomb Threat</b>						
• K to Grade 4.				●	●	
• Grades 5 to 12.					●	●

## INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

### KEY: USE LOWEST LEVEL INDICATED FIRST

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
<b>Threats, Bullying and Cyber-bullying</b>					
• Intentional conduct (including verbal, or written conduct) or electronic communication that is intended to be offensive, threatening or intimidating and may substantially disrupt the orderly operation of a school.		•	•		•
• Physical contact in a manner intended to be offensive, threatening or intimidating and may substantially disrupt the orderly operation of a school.			•		•
• Serious bullying (i.e., repeatedly over time engaging in intentional negative behaviors that adversely affect another student's ability to participate in or benefit from a school's education or extra-curricular programs or severe isolated instances of bullying, such as threatening behavior that places a student in fear of death or serious injury or conduct that is intended to cause another student to suffer public humiliation).				•	•
<b>Bus Violation</b>					
• Minor disruption on the bus (i.e., eating, drinking, being too loud, standing).	•	•			
• Serious disruption on the bus.		•	•	•	
<b>Class Cutting</b>					
• Failure to appear or attend a scheduled class.	•	•			
<b>Classroom Disruption</b>					
• Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students; and other behavior that distracts from student learning.	•	•			
<b>Defiance of Authority and/or Insubordination</b>					

(nonviolent/nonphysical)					
• Failure to follow directions.	•	•			
• Failure to respond to school staff questions or requests.	•	•			
• Failure to follow directions, leading to a potential threat of harm to another person.	•	•	•		
• Failure to follow directions that directly leads to the harm of others.	•	•	•		
• Refusal to show identification, to be scanned or lying to school personnel.	•	•	•		

# INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

## KEY: USE LOWEST LEVEL INDICATED FIRST

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place .

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
<b>Disrespectful Behavior</b>					
• Making inappropriate gestures, symbols or comments, or using profane or offensive language, or indecent exposure.	●	●			
• Using verbal insults or put-downs, or lying to, misleading or giving false information to school staff.	●	●	●		
• Indecent Exposure, K to grade 3.	●	●			
• Indecent Exposure, grade 4 to 12.	●	●	●		●
<b>Dress Code Violation</b>					
Refer to dress code standards listed in Appendix A.	●	Guidance interventions only ●			
<b>Drugs or Controlled Substance</b> (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
• Under the influence* (see special note at end of matrix).		●	●		
• Possessing		●	●		●
• Distributing or selling (includes possession under circumstances evincing intent to sell).				●	●
<b>False Activation of a Fire Alarm</b>					
• K to grade 4.		●	●	●	Fire Department must be notified.

• Grades 5 to 12.			•	•	Fire Department must be notified.
-------------------	--	--	---	---	-----------------------------------



# INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

## KEY: USE LOWEST LEVEL INDICATED FIRST

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
<b>Fighting</b>					
• Physical aggression with another student (e.g., shoving or pushing).	●	●			
• Minor fighting (may include incidents resulting in minor injuries)	●	●	●		●
<b>Fire Setting/Arson</b>					
• Starting a fire; destruction of property as result of starting a		●	●	●	<b>MUST BE REPORTED TO FIRE DEPARTMENT NYS Fire Code §401.3</b>
<b>Gambling</b>					
• Requiring the use of money or exchangeable goods.	●	●			
<b>Hallway Misbehavior</b>					
• Running, making excessive noise or loitering.	●	●			
<b>Harassment Based on Race, Ethnicity, Gender/Gender Identity, Sexual Orientation, Disability or Religion, Including Cyber-harassment, Against Members of the School Community</b>					
• Minor harassment (e.g., verbal discriminatory actions).		●	●		
• Physical contact in a manner intended to be offensive, threatening or intimidating.			●	●	

<ul style="list-style-type: none"> <li>• Serious harassment (i.e., persistent or long-term harassment or harassment involving threatening behavior that places a student in fear of death or serious injury, defamation, discrimination, or conduct that is intended to cause another student to suffer public humiliation).</li> </ul>			•	•	•
<b>Inciting or Participating in Disturbance</b>					
<ul style="list-style-type: none"> <li>• Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot; or obstructing vehicular or pedestrian traffic.</li> </ul>		•	•	•	•
<ul style="list-style-type: none"> <li>• Using a personal communication device to attract others to participate in or witness a disturbance.</li> </ul>		•	•	•	•

## INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

### KEY: USE LOWEST LEVEL INDICATED FIRST

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

INAPPROPRIATE OR DISRUPTIVE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4 *	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
<b>Inhalants</b>					
<ul style="list-style-type: none"> <li>• Under the influence*</li> </ul> <p>Medical personnel must be immediately notified if a student is found to be under the influence or using an inhalant.</p>		•	•		
<ul style="list-style-type: none"> <li>• Possessing</li> </ul>		•	•		•
<ul style="list-style-type: none"> <li>• Distributing or selling (includes possession under circumstances evincing an intent to sell).</li> </ul>				•	•
<b>Physical Contact with School Personnel</b>					
<ul style="list-style-type: none"> <li>• Unintentional, reckless physical contact with school personnel.</li> </ul>	•	•			

• Attack against school personnel; physically attacking an employee of the Rochester City Schools or other adult, including striking a staff member who is intervening in a fight or other disruptive activity ( K to grade 6).		•	•	•	
• Attack against school personnel (grades 7 to 12).		•	•	•	•
<b>Porta Unauthorized Times</b>					
• Use of cell phones, PDAs, iPods, electronic games, laser pointers and other portable electronic devices On the first infraction, students must only be given a warning. Only after the first infraction can the student be subject to Level 1 responses. On the second infraction, parent notification must occur.	•	•			
• Gaming and gambling.	•	•	•		
• Use of electronic devices that lead to the threat of harm to another person.		•	•		•
• Use of electronic devices that cause harm to another person			•	•	•

Note: \*All students identified with or under the influence of alcohol, drugs, controlled substances or inhalants require an assessment to determine need for prevention, treatment, or medical intervention services and must be connected to appropriate services through identified school support staff such as nurse, social worker, counselor or administrator at the time of the incident.

**INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE****KEY: USE LOWEST LEVEL INDICATED FIRST**

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4 *</b>	<b>MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION</b>
<b>Property Damage, Including Graffiti</b>					
• Minor or reckless damage (less than \$50).	●	●			
• Intentional damage to another person's or school property (\$50 to \$250).		●	●		
• Intentional damage to another person's or school property (over \$250).		●	●	●	●
<b>School Equipment Use without Permission</b>					
• Use of computers, fax machine, phones, etc.	●	●			
<b>Serious Bodily Injury</b>					
• Intentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body.				●	●  Serious bodily injury must be reported to law enforcement.
<b>Sexual Assault or Offense</b>					
<b>Unwanted sexual contact, including unwanted touching of intimate body parts without use of force</b> • Forced sexual act (use of physical force or express or implied threat of harm to gain compliance).				●	●  Sexual assaults must be reported to law enforcement
<b>Sexually-Based Infraction</b>					
• Sexual harassment (i.e., unwelcome sexual advances, requests for sexual favors; other inappropriate verbal, written or physical conduct or gestures of a sexual nature).	●	●	●	●	●
• Sexual activity or sexual misconduct (i.e., indecent exposure, engaging in sexual activity, etc.) (K to grade 4).	●	●	●		

Sexual activity or sexual misconduct (grades 5 to 12).		•	•	•	•
--------------------------------------------------------	--	---	---	---	---

**INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE****KEY: USE LOWEST LEVEL INDICATED FIRST**

**Level 1:** Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.

**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.

**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).

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

<b>INAPPROPRIATE OR DISRUPTIVE BEHAVIOR</b>	<b>LEVEL 1</b>	<b>LEVEL 2</b>	<b>LEVEL 3</b>	<b>LEVEL 4 *</b>	<b>MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION</b>
<b>Theft</b>					
• Taking of property that does not belong to that person.	•	•	•	•	•
<b>Trespassing</b>					
• Being on school property without permission.		•			•
• Being on school property while suspended or expelled.		•	•	•	•
• Breaking and entering.		•	•	•	•
<b>Weapons, Firearms and Explosives</b> (at school, school-sponsored activities or when involved in incidents affecting the safety or welfare of the school community)					
• Firearms (possession of a firearm as defined in 18 USC 921 of the federal code – i.e., handguns, rifles, shotguns and bombs) Expulsion for no less than one calendar year is mandated by state law for firearms violation, but can be modified on a case-by-case basis by Rochester City School District Superintendent. Education Law §3214(3)(d)				•	<b>MUST BE REPORTED TO POLICE</b> • Education Law §3214(3)(d)
• Other guns (possession of any gun, of any kind, loaded or unloaded, operable or inoperable, including any object that looks like a gun – i.e., BB guns, pellet guns, water guns, etc.).		•	•	•	<b>MUST BE REPORTED TO POLICE</b> •
• Other weapons (possession of any implement which could cause bodily harm, for example, a knife with a blade longer than 2½").			•	•	<b>MAY BE REPORTED TO POLICE</b> •

\*The list of guidance interventions is not all-inclusive. Other options that support students in the classroom and in the school without removing them from the school environment may be considered and used.

## SCHOOL BASED SAFETY CODES

Every District building has a safety code designed to handle issues of building safety and emergency preparedness, and buildings may have conduct codes supplemental to the District Code of Conduct. All students, District personnel and visitors are expected to comply with building rules, and with any additional rules established to meet alerts issued by the U.S. Department of Homeland Security, law enforcement or other authorized public agencies, and to do their part to create safe environments.

### Arrests and Referrals to Law Enforcement

Arrests for school-based behavior should only be used as a last resort when there is a serious, actual threat to safety. Incidents should be resolved without arrests practicable. For actions that could involve a criminal investigation, every effort must be made to contact the student's parent as soon as possible. The matrix notes the circumstances under which reports to law enforcement may be considered or are required.

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

1. Age, health, and disability or special education status of the student;
2. Appropriateness of student's academic placement;
3. Student's prior conduct and record of behavior;
4. Student's understanding of the impact of their behavior;
5. Student's willingness to repair the harm caused by their behavior;
6. Seriousness of the behavioral offense and the degree of harm caused;
7. Whether the behavior constitutes a violation of the Dignity for All Students Act (DASA), and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances / context in which the conduct occurred;
9. Whether the student was acting in self-defense;
10. Whether the student's offense threatened the safety of any student or staff member;
11. Impact of the incident on overall school community;
12. The likelihood that a lesser intervention would adequately address the violation.
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.
14. Any other mitigating or aggravating circumstances that are relevant.

The school principal, or designee, will immediately contact the parent/guardian of any student arrested or involved in a criminal investigation on school grounds in all non-emergency situations, or as soon as practicable in emergency situations.

Students and their families are not prohibited from contacting the police if they believe that a student has been the victim of a crime.

See Appendix E (Law Enforcement) for more details.

### **Student Removals & Due Process**

On occasion, a student may engage in behavior that threatens the safety of others in the school community or seriously disrupts the school environment and needs to be removed through a temporary classroom removal, suspension or expulsion. However, written referrals shall not be used to document supports offered to students within the classroom (e.g. timeouts and other informal measures).

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

1. Temporary Classroom Removal by Teacher (up to 1/2 day)
2. Short Term Suspension by Principal (1-5 days), either in or out of school
3. Long Term Suspension by Superintendent (6 days – 365 days)
4. Expulsion by Superintendent

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

For a full list of what steps are required, see Appendices C (Due Process) and D (Students with Disabilities).

### **Alternative Instruction**

The mission of the District is to educate all students to their highest level of performance. The District is committed to meeting or exceeding the performance goals it has established, as well as the performance guidelines established by the State of New York; and to taking all feasible steps to provide that a suspension will not be the reason for any student to fall behind in achieving those goals.



When a student is removed from class by a teacher, or a student of compulsory school age is suspended from school pursuant to Education Law § 3214, the District will take the necessary steps to provide alternative instruction as required by this Code and by applicable law. The method of alternative instruction shall be appropriate to the circumstance (e.g., long-term, short-term, in-school suspension, or removal from class). In all cases, it shall be incumbent upon the building staff to ensure that each student has course assignments available for him or her for the period of removal or suspension; and that upon return to regular classes those assignments are turned in, within the same time frames as provided for make-up opportunities in the case of excused absence. It is the responsibility of each student to complete all such assignments and, where assigned to an alternative site or to a tutor, to attend, and to perform to the best of the student's ability.

Ref.: Education Law §3214(3)(e)

Cross-ref.: Policy 4000 "Instructional Goals" and Policy 5100 "Attendance and Withdrawal"

#### **Prohibited and Permitted Physical Force**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden. However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, state regulation provides that reasonable physical force may be used to:

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

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

Ref.: 8 NYCRR §§19.5(a)-(c); 100.2(l)(3)(i).

#### **Student Searches**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school personnel authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct.

In addition, the Board authorizes the Superintendent, building principals and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the Code of Conduct. An administrator or security personnel acting under the direction and supervision of an administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the official has a legitimate reason for the limited search. Other school personnel may conduct a search only in a situation where the circumstances do not allow the calling of the Superintendent, building principal or security official.

If practicable, the school official conducting a search shall consult with the School Chief or Law Department concerning the presence of reasonable suspicion and shall have another adult witness the search. Whenever practicable, before searching a student or the student's belongings, the authorized school official should first ask the student if he or she possesses physical evidence that the student violated the law or the Code of Conduct and/or ask the student to voluntarily surrender the evidence and/or consent to the search.

Searches will be limited to the actions necessary to locate the evidence sought. Whenever practicable, searches will be conducted in a private area and students will be present when their possessions are being searched.

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

Searches may be conducted on school property or at school functions, including searches of lockers, hotel rooms, vehicles or other facilities used by students during school sponsored trips, or athletic or academic events, in which case the staff-member chaperones or coaches involved in such activity shall be deemed to have the same authority to act that applies to a building principal or security official on school property.

In all cases, reports shall be completed regarding the circumstances and results of the search. Any dangerous or illegal items, such as weapons or controlled substances, taken during the course of the search shall be turned over to the Director of Safety and Security or law enforcement authorities.

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

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

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any dangerous item taken from a student, and to immediately turn over any illegal item, or item which may constitute evidence of a crime to the Rochester Police Department or other authorized law enforcement agency. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to the Director of Safety and Security or to law enforcement.

#### Computer Identification Systems & Random Metal Detection

At all secondary schools, computer identification systems shall be used to supplement other safety initiatives, and to insure to the extent feasible that unauthorized access to the schools is minimized. All students are required to carry their student identification, and to present it upon request to any District official or employee. Metal detection systems, including hand-held wands, walk-through and x-ray capacity equipment may be used by trained personnel at any school in a random manner, and may be done on a non-random basis premised upon reasonable suspicion. All students are subject to scanning procedures, and to confiscation of any material prohibited by law or school policy or regulations. If a student refuses to cooperate with the scanning or authorized pat down process, support staff shall be called for intervention and mediation. If the student continues to refuse to comply, the student may be referred for disciplinary action.

Ref.: Policy #8135 Safe Schools

### Students' Electronic Devices

A student's electronic device may be confiscated by District personnel pursuant to a school building's procedures if the principal determines that the possession of such a device is disruptive or distracting to the school environment or educational process. For purposes of this policy, electronic devices include, but are not limited to: cell phones, smartphones, mp3 players, Ipods, Ipads, Kindles, Nooks, PDAs, laptops, pagers, recording devices, games and other mobile electronic devices. The confiscated electronic device must be properly identified and placed and stored in a locked container or room. Each school shall create storage and return procedures consistent with this policy. Claims related to the loss of a student's electronic device that result from a school's failure to abide by this policy shall be paid through the school's discretionary fund.

### District Computer Equipment/Websites/E-mail Used by Any Person

No person using District faxes, computer equipment, software owned, leased or controlled by the District, or websites, e-mail or Internet access provided by the District has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the District. No person shall knowingly add any program or any hardware attachment (including wireless apparatus) to any such equipment without the express written consent of the District's MIS department; nor shall any person knowingly or intentionally use any proprietary software on District equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose District equipment to any computer virus, worm or other technological invader. No user shall use District equipment to engage in extensive or abusive non-business or nonacademic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for District educational and business operations. The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using School District equipment or on school property without prior notice or consent. Any use of District computer equipment or software, or Internet access from District equipment or from school property which violates federal or state law may be reported to appropriate law enforcement officials, and may also result in both disciplinary action and denial of prospective use of such equipment and of Internet access, and in a civil action to recover any judgment, settlement, fine or penalty imposed upon the District because of such statutory violation. Any use of such equipment or facilities which violates provisions of this Code of Conduct may result in both disciplinary action and denial of prospective use of such equipment and of Internet access.

Ref.: Policy #1950 Acceptable Use of the District Network

Policy #4526 Internet

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions, including meetings or hearings conducted by the Board of Education. For purposes of this section of the Code, "public" shall mean all persons when on school property or attending any school function wherever located, including visitors, students, parents, teachers and other District personnel.

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

All persons on school property or attending any school function, meeting, conference or hearing shall conduct themselves in a respectful and orderly manner. Just as parents, guardians and other visitors expect the administrators, teachers and staff to treat them with dignity and civility, those visitors are expected to extend the same courtesy and cooperation to the District's employees. Good sportsmanship and civility are expected of all persons participating in, coaching or attending sports events, or attending public assemblies and programs. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

This provision is supplemental to other policies of the Board of Education relative to the use of School District property by members of the community, and is directed specifically to assuring to the fullest possible extent that all users of School District property, including visitors, comport themselves in a civil, peaceful and lawful manner.

## **PROHIBITED CONDUCT ON SCHOOL PROPERTY**

No person, either alone or with others, shall:

1. Intentionally or recklessly injure any person or threaten or attempt to do so.
2. Intentionally or recklessly damage or destroy, or attempt to damage or destroy District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs, sporting events, assemblies, theatrical or musical presentations, meetings, conferences, hearings, Board of Education meetings or other school activities.
4. Distribute or wear materials on school property or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability; or use language or gestures which a reasonable person would find intentionally discriminatory toward any person or group entitled to protection in his or her right to obtain an education under the New York State Executive Law. Such intimidation may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.
6. Intimidation or "bullying" on school property or at a school function, which includes harassment that interferes with a student's education or threatens a student's well-being. Harassment includes engaging in actions or making statements that are intended to place an individual in fear or cause emotional harm; threatening, stalking or seeking to coerce or compel a person to do something; or abusive conduct or use of epithets, threats, or slurs based on actual or perceived race/color, weight/appearance, ethnicity, national origin, religion, religious practices, gender/gender identity, sexual orientation, age or disability. Such harassment may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.
7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
8. Obstruct the free movement of any person in any place to which this code applies.
9. Violate the traffic laws, parking regulations or other restrictions on vehicles.
10. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.
11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers while on duty as such, or except as specifically authorized by the Board of Education or by statute.
12. Loiter on or about school property.
13. Gamble on school property or at school functions.
14. Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
15. Willfully incite others to commit any of the acts prohibited by this Code.

16. violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
17. Comport themselves in a manner which violates District rules, particularly with regard to the limited public forum made available by the Board; or which violates the terms of any use permit.
18. Threaten to use any weapon; or brandish or display what appears to be a weapon.
19. Attempt to obtain property or favor from another by threat or by force.
20. Threaten bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.
21. Use language or gestures that are profane, lewd, vulgar or abusive, or uncivil, particularly during meetings, conversation or discussion with any teacher, administrator, staff member or student.
22. Place a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or make a telephoned, written or electronic message that a bomb, explosive, biological or chemical weapon or incendiary device has been or will be placed on or near District property.
23. Commit any other act on District property or at a school function which would be prohibited under this Code if committed by a student of this District

#### Visitors to Schools

The Board encourages parents and other citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the particular school will be considered a visitor (including central office staff).
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register. If identification badges are used in the building, they will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, athletic competitions or public gatherings, are not required to wear an identification tag.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
5. Teachers are expected not to take time to discuss individual matters with visitors during class time.
6. Any unauthorized person on school property will be reported to the principal or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors must abide by the rules contained in the Code of Conduct.

#### REPORTING VIOLATIONS

All students have a duty to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the Principal, the Principal's designee, building/program administrator or the Superintendent of Schools. The identity of any person providing information will be protected to the fullest extent practicable.

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

#### WEAPONS, ALCOHOL & ILLEGAL SUBSTANCES

The only individuals authorized to possess firearms on District property are law enforcement officers on site in the performance of their official duties, and such other individuals who are permitted to possess firearms on a school campus by express statutory authority or the express consent of the Board of Education.

Any weapon, alcohol or illegal substance found on District property or in the possession of any person on District property shall be confiscated immediately, if possible. Where the material



was possessed by a student, confiscation shall be followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution. Possession by an employee subjects that person to discipline in accordance with applicable law and any collective bargaining agreement covering such employee, and referral for prosecution.

#### **ENFORCEMENT**

The Principal or designee shall be responsible for enforcing the conduct required by this Code. When the Principal or designee sees or is advised by others of an individual engaged in prohibited conduct, which in his or her judgment and discretion does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee may also warn the individual of the consequences for failing to stop.

If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct, in the judgment and discretion of the Principal or designee poses an immediate threat of injury to persons or property, or to public order, the Principal or designee shall have the individual removed immediately from school property or the school function and may, if he or she believes it necessary, call the police to assist in removing the person.

The District may initiate disciplinary action against any student or staff member, as appropriate, in accordance with law, and with respect to employees, any applicable collective bargaining agreement. In addition, the District reserves its right to pursue legal action, civil and/or criminal, against any person violating the Code of Conduct.

**Cross-ref.: Policy #0100 District Policy Prohibiting Discrimination or Harassment of Students or Employees**

**Policy 1000 Community Relations Goals**

**Policy 1200 Community Involvement**

**Policy 1240 and Regulation 1240-R Visitors to the Schools**

**Policy 1500 Public Use of School Facilities**

**Policy 1520 Public Conduct on School Property**

**Policy 1530 Smoking on School Premises**

**Policy #1950 Acceptable Use of the District Network**

**Policy 2120.1 Electioneering in Schools**

**Policy 4526 Internet**

**Policy 5312.1 Drug & Alcohol Abuse**

Policy 5312.1a Drug Free Schools  
Policy 7050 Community Use of Schools  
Policy 8100 Health & Safety Program  
Policy 8135 Safe Schools  
Policy 9320 Drug Free Workplace

## DATA COLLECTION

### Annual Data Collection & Review

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

The District, Superintendent, and School Board will review the following:

- The total enrollment for the school
- Average daily attendance rate at the school
- Dropout rates for grades seven through twelve
- The school's bullying prevention and education program
- Intervention and prevention strategies.
- Number of conduct and discipline code violations, broken down according to the nature of the offenses, disaggregated by school, race, ethnicity, age, grade, disability, ELL status, and gender of the students, where available:
  - o Possession of a dangerous weapon;
  - o Use or possession of alcohol, drugs or controlled substances;
  - o Willful disobedience or open and persistent defiance;
  - o Conduct equal to first degree, second degree, third degree, or vehicular assault
  - o Behavior that is detrimental to the welfare or safety of other students or of other school personnel;
  - o Willful destruction or defacement of school property;
  - o Conduct equal to robbery; and
  - o Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.
- The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students.

### School Climate and Discipline Oversight

The District will monitor school climate District-wide by:

- Conducting annual surveys of students and teachers on school climate and safety;
- Reviewing complaints received by school-based committees regarding discipline practices or the conduct of school staff and school resource officers; and
- Developing, monitoring, and evaluating school discipline policies and practices District-wide.
- Reviewing complaints and long term suspension appeals received by the Board of Education.

## **ANNUAL REVIEW, DISSEMINATION, & REGULATION**

Through its Policy Development and Review Committee ("Policy Committee") the Board of Education will review the Code of Conduct annually at or following the close of each academic year.

The President of the Board shall appoint an Advisory Committee to assist the Policy Committee in its review of the Code of Conduct. The Advisory Committee will be comprised of student representatives, teachers, administrators, parents and community-based organizations, school safety personnel and other school staff. The Advisory Committee shall submit its findings and any recommendations to the Board of Education and Superintendent by May 1<sup>st</sup> of each school year and at such additional times as it deems appropriate.

The Policy Committee and Advisory Committee shall consider school-level data including data aggregated to illustrate any trends, and district-level data. In conducting the review, the Policy Committee and full Board will consider the effectiveness of the Code's provisions and whether the standards have been applied fairly and consistently. Revisions to the Code of Conduct will be made only after at least one public hearing, which shall provide for the participation of school personnel, parents, students and any other interested party.

### Dissemination

The District shall post the complete Code of Conduct (with all amendments and annual updates) and a summary of the Code of Conduct on the District website and other applications available to parents when possible; provide a summary of the Code of Conduct to all parents before the beginning of each school year and make copies available thereafter; provide each new teacher with a complete digital or hard copy of the Code; and make complete copies available for review by students, parents, district personnel and community members. The

District shall file a copy of the Code of Conduct and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.

Ref.: Education Law §2801(4)(5); 8 NYCRR 100.2(1)(iii)

#### Promulgation of Administrative Regulations

Consistent with the policy guidelines set forth above, the Superintendent of Schools is authorized to promulgate, revise, maintain and enforce throughout the District administrative guidelines and regulations consistent with constitutional requirements that address particular issues of administration, interpretation and enforcement of any section of this policy.

#### Resolving Incompatibility with Other Policies or Regulations

If any policy or administrative regulation of this District, at any time, is in whole or in part inconsistent or incompatible with this Policy or with the administrative regulations authorized herein, that such inconsistent or incompatible portion of such policy or regulation shall be deemed to be superseded by the Code of Conduct; provided, however, that to the extent that the provisions or purposes of such policy or regulation are not incompatible, or can be enforced without reference to the incompatible portion, then such provisions and purposes shall be deemed to continue in full force and effect.

#### Severability

If any provision of this Code or the application of any provision to any person(s) or circumstance(s) is held to be unconstitutional or otherwise unenforceable by any Court, by legislative enactment or amendment or by any Opinion of the Commissioner of Education, it is the intent of the Board of Education that such a ruling shall in no way affect or impair any other provision of this Code or the application of any such provision upon any other person or circumstance.

## **APPENDIX A**

### **Dress Code**

## **DRESS CODE**

### **Rationale**

A dress code and its implementation impact both the constitutional rights of students and the responsibilities of school officials to maintain an environment conducive to learning. As such, the purpose of this dress code is to strike a positive balance between a student's right to free expression and the educational mission of the district.

Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District personnel should, at a minimum, adhere to the dress code, as well as exemplify acceptable dress and help students develop an understanding of appropriate appearance in the school setting.

Clothing, accessories or appearance that run contrary to the district's educational mission, cause a material or substantial disruption of the educational process, or infringe upon the rights or safety of others, can be regulated.

It is important to note that mere dislike or offense is not sufficient grounds to restrict speech or expression, including dress or appearance. All such restrictions must stem from something greater than personal preference, beliefs or taste. This means that to be lawfully regulated, the attire or garb must truly be a substantial or material interruption, infringe upon the legitimate rights or safety of others, or be contrary to the school's educational mission.

This dress code applies to both students and adults any time they are on District property, including the school buildings and Central Office, and whenever they are attending any school function, wherever located.

### **Standards**

All persons are expected to give proper attention to personal hygiene and to dress appropriately for school and school functions. When on school property or at a school function, a person's dress, grooming and appearance, including jewelry, make-up and nails, must:

- Cover buttocks, stomach/midriff and chest.
- Not include clothing, headgear or jewelry that is associated with or identifiable as a symbol of gang membership.

- Be void of abusive, suggestive or profane language; symbols of illegal substances; or any other words, symbols or slogans that disrupt the learning environment or deny dignity or respect to others.
- Include shoes, which are to be worn at all times for health and safety reasons.

### **Guidelines for Further Standards**

In addition to the standards above, schools may prescribe reasonable school-level dress standards provided that such standards are rationally related to legitimate objectives, are sufficiently narrowly tailored, are content-neutral, do not unlawfully infringe upon student's constitutional rights related to speech, liberty, religion or other fundamental right, apply to all members of the school community and have been developed in conjunction with students, parents, teachers and other staff and members of the school community. This collaborative development of school-level dress standards is an opportunity for the school community to discuss issues related to dress and appearance, such as culture, religious identity, gender and gender identity, dignity and respect.

School-level dress standards should be justified by a legitimate concern for health or safety or other material or substantial disruption, promote dignity, respect and cultural and religious sensitivity and keep teachers and students focused on teaching and learning, not policing dress.

Any dress standards that a school develops need to be approved by the Superintendent, be published and communicated to the school community and be consistent with the provisions of this Code of Conduct.

### **Dress Code Violations**

Violations of the dress code should be considered opportunities or "teachable moments" to discuss issues around dress and appearance, such as culture, religious identity, gender and gender identity, dignity and respect.

Students who violate the dress code, including school-level standards, will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practicable, replacing it with an acceptable item. Any student who refuses to do so shall be subject to a Level 1 or Level 2 response. Students should not be suspended or otherwise removed from their educational program because of a dress code violation.

### **Data Collection and Reporting**

As noted elsewhere in this Code of Conduct, schools shall collect and submit the following data elements as part of their semi-annual reports to the District and Board:

- Dress code violations resulting in a Level 1 or Level 2 response.
- Suspensions resulting from escalations of conflict relating to dress code violations.



## **APPENDIX B**

# **Restorative Approaches**

## Restorative Approaches

Restorative approaches are an integral component of progressive discipline and the direction in which the District is committed to proceed. Restorative approaches originate from indigenous practices that reflect our shared humanity and commonality. Used proactively, they build positive vibrant culture. In the context of justice, restorative approaches use the foundations of relationships and interconnectedness to repair harm and reestablish harmony.

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

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

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

All parties are encouraged to take responsibility for their part in the occurrence that led to intervention.

## Types of Restorative Practices

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

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

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

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

## **APPENDIX C**

### **Due Process**

## DUE PROCESS PROTECTIONS

### **Referral for Disciplinary Action**

If school staff believe that a student's conduct warrants a disciplinary intervention, staff should complete a referral for disciplinary action to trigger an investigation of the incident. The purpose for a referral is to track and document the facts and interventions used by staff in order to ascertain the best course of action when a serious infraction occurs that necessitates the removal of a student from the class. However, written referrals shall not be used to document supports offered to students within the classroom (e.g. timeouts and other informal measures).

When the student is removed from a classroom for consideration of short term in school or out of school suspension or long term suspension, the teacher must provide a referral form to accompany the student. This referral must be filled out prior to the Principal making a decision and at the earliest convenience of the teacher when he/she has been able to ensure that his/her classroom is in order.

The form filled out by the teacher shall be a District-wide standardized form that will include the teacher's methods of positive intervention approaches already implemented.

The referrals will be input into a digital system. A computerized program should be able to provide a cumulative report that will be able to track the number of referrals per teacher in regular intervals. Administrators will have a meeting with teachers with high referrals or with high rates of racial disparities in order to provide additional supports and uncover challenges.

The information gathered from the tracking process will be used to inform teachers and administrators with respect to students and staff who are in need of support, as well as to inform teachers and administrators as to the effectiveness of strategies and supports that have been implemented.

### **INVESTIGATIVE PROCEDURES FOR SCHOOL DISCIPLINE**

It is the responsibility of the principal or his/her designee to take the following investigative steps:

1. Question the victim and any other witnesses to the incident and, when possible, obtain their signed written statements.
2. Investigative procedures must seek to understand the entire event including precipitating factors.
3. Review and retain for a reasonable time any documentary, photographic, or video evidence.
4. Whenever practicable, inform the accused student of the misconduct of which he/she is being accused and provide the accused student with an explanation of the evidence.
5. Whenever practicable, provide the accused student an opportunity to present his/her side of the event and identify witnesses.
6. In circumstances where the student has been arrested, the student should be advised that any statement made by the student may be used against the student in a court of law, and the student's parent should be notified immediately.

### **Classroom Removal**

#### **Notice Requirement:**

Schools must provide the following notice to parents when a student is removed from the classroom:

- All reasonable efforts must be made to notify the parent of the classroom removal and will occur by telephone, email, or other electronic means on the same day as the classroom removal;
- Written notice will occur within one school day from the classroom removal;
- Written notice will be in writing in the parent's native language if practicable; and will include a description of the incident, length of the classroom removal, and a statement that parents can request a conference to discuss the removal; and
- The school will maintain a record of all classroom removals provided that such record shall not constitute part of the student's cumulative file.

#### **Conference Request:**

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

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

- Actual notice of the conference date shall be provided to the parent and the student.

Ref: Education Law §3214(3-a)

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

Short term suspensions are an extreme disciplinary measure to be used for behavior that cannot be dealt with using standard positive interventions. Short term suspensions shall not take effect until a preliminary interview, notice and conference occur, except when a student's presence in school poses an ongoing danger to persons or property or an ongoing threat to the academic process, the student may be suspended prior to the informal conference provided the conference occurs within 2 school days of the start of the suspension.

1. Preliminary Interviews: Where it is suspected that a student has engaged in conduct for which a suspension may be warranted, it is the responsibility of the principal or his/her designee to take the required investigative steps and make a determination of possible discipline, including short term suspension, if warranted under the circumstances. The principal or acting principal shall take into account all of the factors listed in Section \_\_\_\_ when making a preliminary recommendation about a disciplinary action.
2. Notice to Parent:
  - a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to seek a suspension;
  - b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension;
  - c. Written notice will be in the parent's dominant language whenever practicable. If not practicable, all reasonable steps shall be taken to provide oral translation to the parent or legal guardian;
  - d. That notice shall be on an approved RCSD form and contain the following:
    - i. a description of the incident including the section of the Code of Conduct the student allegedly violated;
    - ii. length of the possible suspension;
    - iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
    - iv. a statement informing the parent of his/her right to request an informal conference with the principal.;
    - v. a statement of the student's and parent's rights written in plain language,

including the right to question a complaining witness, to obtain school records, to bring an attorney or advocate, the right to interpretation of the conference by a qualified interpreter or someone of the parent's choosing and the right to appeal;

- vi. a statement of the means by which the student will be provided alternative instruction during the period of suspension;
- vii. a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a court of law;
- viii. a list of free and low-cost attorneys and advocates in the area; and
- ix. the procedures for appealing the disciplinary decision.

3. Informal Conference:

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

c. Informal Conference Provisions:

- i. Student and parent have the right to call witnesses and present documentary evidence; including audio and video recordings, and question a witness with firsthand knowledge of the incident.
- ii. Student and parent may be represented by an attorney or an advocate.
- iii. Upon request of the parent or student, the school shall provide interpretation services in the parent's and student's dominant languages.
- iv. Student and parent have the right to receive a written decision within one school day of the conference.
- v. If the principal determines short term suspension is warranted, the written decision shall include the length of suspension, and procedures for appealing the decision, including the date by which the appeal must be submitted.

4. Appeal of Short Term Suspension Decision:

- a. Students and parents can appeal a short term suspension to the New York State Commissioner of Education.
- b. Any appeal must be filed within 30 days of the decision following the suspension conference.

5. Exception for emergencies: If a student's presence in school poses an ongoing danger to



persons or property or an ongoing threat of disruption to the academic process, a student may be removed immediately and the informal conference shall follow as soon after the student's removal as practicable, but in no case more than 48 hours after the removal. If immediate emergency removal from school is necessary, the school shall immediately notify the parent to determine the best way to transfer custody of the student to the parent.

Ref.: Education Law §3214(3)(b)

### **Long Term Suspension and Expulsion**

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

1. Investigation: When a student engages in conduct for which a long term suspension or expulsion may be warranted, the principal or his/her designee must investigate consistent with the requirements in #1 of Short term in school or out of school suspension, above. The Principal shall take into account all of the factors identified under Levels of Intervention and Disciplinary Responses when making a preliminary recommendation about a disciplinary action. If the Principal determines that an LTS referral is appropriate, s/he shall inform the student of the referral for LTS and the reason for the referral.
2. Notice to Parent:  
Schools must provide the following notice when a long term suspension or expulsion is proposed:
  - a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to seek a suspension;
  - b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension or expulsion;
  - c. Written notice will be in the parent's dominant language if practicable;
  - d. That notice shall contain the following:
    - i. a description of the incident including the section of the Code of Conduct the student allegedly violated;
    - ii. length of the proposed suspension;
    - iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the

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

- iv. a statement of the student's and parent's rights written in plain language, including the right to fair hearing, the right to question the district's witnesses and to present testimony and other evidence on behalf of the student, to obtain school records, to bring an attorney or advocate to the hearing, the right to interpretation of the hearing by a qualified interpreter or someone of the parent's choosing, and the right to appeal;
- v. A description of the alternative education that will be provided to the student until such time as a determination has been made with respect to whether or not the student is guilty of the charge, and any applicable penalty has been imposed.

e. The Long Term Suspension Hearing Office shall send notice to the parent that includes:

- i. a date, time and location for a fact finding hearing;
- ii. a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a court of law;
- iii. a list of free and low-cost attorneys and advocates in the area; and
- iv. the procedures for appealing the disciplinary decision.

3. Hearing:

- a. The hearing is an opportunity for an impartial and neutral hearing officer to determine if the school can meet its burden of proof to sustain the charge(s), and if the proposed suspension or expulsion is appropriate.
- b. The hearing shall occur within five school days of the date of suspension, unless the parent requests a later date. If the hearing occurs after the fifth day following the suspension without the parent consenting to the delay, the student shall be returned to his/her regular program until such time as the hearing is held and the Superintendent or his/her designee has made a decision regarding the charge(s).

c. **Hearing Provisions:**

- i. Hearings shall be conducted by a neutral and impartial hearing officer. Upon appointment, all hearing officers are authorized to administer oaths and issue subpoenas in conjunction with the proceedings before him or her.
- ii. School must prove the alleged student behavior by competent and substantial evidence.

- iii. School cannot rely exclusively on hearsay evidence to meet its burden of proof.
- iv. Student and parent have the right to call witnesses and present documentary evidence including, but not limited to, witness statements, incident reports, and audio and video recordings; and question persons with information related to the incident.
- v. Student and parent have the right to request and, upon request, the school district must require, the presence and testimony of witnesses who are school employees.
- vi. Student and parent have the right to request the presence and testimony of witnesses who are safety or law enforcement personnel on campus, and the school shall take all reasonable steps to ensure their presence.
- vii. Student and parent have the right to request the presence and testimony of other students or witnesses to the event, and the school shall take all reasonable steps to ensure their presence.
- viii. Student and parent have the right to representation by an attorney or an advocate.
- ix. The hearing officer shall consider only the evidence presented at the hearing and shall make findings of fact and recommendations to the superintendent or his/her designee as to the appropriate measure of discipline. The proposed suspension or expulsion may be dismissed, reduced, or upheld.
- x. The hearing officer must dismiss the proposed suspension if he or she determines:
  - 1. The suspension was imposed for a behavior for which suspension is prohibited under Code of Conduct.
  - 2. The school did not present sufficient evidence to meet its burden of proof.
  - 3. The suspension was not appropriate considering the factors listed in this Code.
- xi. The hearing officer or superintendent's designee may dismiss or reduce the proposed suspension if he or she determines:
  - 1. The school did not impose graduated and proportionate discipline, unless the conduct that resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.
  - 2. The suspension was not appropriate given the facts as presented at the hearing.

3. The school did not follow the due process procedures in this subsection.
  - xii. Upon request of the parent or student, the school shall provide interpretation services in the parent's native language.
  - xiii. Student and parent have the right to receive written notification of the determination of guilt or lack thereof and penalty, if guilt is determined. If the Superintendent or his/her designee determines a long term suspension or expulsion is warranted, the written decision shall include the length of suspension, the conduct for which the student has been found guilty, and procedures for appealing the decision, including the date by which the appeal must be submitted.
  - xiv. The written decision shall be sent to the student/parent within three school days after the Superintendent's designee receives the penalty determination.
  - xv. An accurate and complete record of the hearing shall be maintained by the school, but no stenographic record shall be required and an audio or video recording shall be deemed a satisfactory record. Student and parent shall have a right to request and receive this record at no cost.
4. Appeal Provisions:
  - a. Parent or student can appeal the decision to suspend or expel within 20 school days from the date the parent receives the decision;
  - b. A written decision on appeal, including the rationale for the decision, will be issued within fifteen school days of the filing of the appeal;
  - c. The appeal will consider whether the record demonstrates that the student's rights were violated during the investigation, hearing, or appeal process;
  - d. The decision on appeal must be based solely on the hearing record;
  - e. The suspension or expulsion can be upheld, overturned or reduced; and
  - f. The Board of Education must overturn the suspension if it determines:
    - i. The record does not contain sufficient evidence to support the finding.
    - ii. The suspension was imposed for a behavior for which suspension is prohibited in the school's Code of Conduct.
    - iii. The record demonstrates that the school did not follow the due process procedures in this subsection.
    - iv. The suspension was not appropriate considering the factors listed under the Levels of Intervention and Disciplinary Responses.
  - g. The Board of Education may overturn or reduce the suspension if it determines:

- i. The school did not impose graduated and proportionate discipline, unless the conduct which resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.
- ii. The suspension was not appropriate given the facts as presented at the hearing.

Ref.: Education Law §3214(c)

### **Access to Schools**

Except in cases of emergency, if a Principal desires to restrict a family member's access to the school, the Principal's supervisor must first authorize such action. The Principal must specify the duration and conditions of any restriction (e.g., must make advance appointment or be escorted within the building).

## **APPENDIX D**

# **Students with Disabilities**

The Board of Education is committed to a policy of inclusion of students with disabilities within the full range of programs offered to students of the District generally, to the fullest extent consistent with the specific needs of individuals. Consistent with the principle of inclusion, to the fullest extent provided by federal or state law, the policy of the District regarding student discipline for students shall be uniform for all students, both with reference to disciplinary proceedings and reporting crimes to appropriate authorities.

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections by virtue of statute, regulation and/or court order when school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state requirements. In the event of any change or amendment to such federal and state law and regulations, or to any order of a court of competent jurisdiction impacting District students with disabilities, the Superintendent is authorized to issue regulations designed to maintain coordination of our program with such legal requirements; and, where such requirements may affect or override provisions of any consent decree, to apply to the appropriate court for such relief as the Superintendent deems appropriate.

It is the policy of the Board of Education to implement the provisions of the federal "Individuals with Disabilities Education Improvement Act of 2004" P.L. 108-446 (effective July 1, 2005), which defines the current law for addressing discipline for students with disabilities. Students with disabilities who are suspended for not more than ten school days shall be afforded the same rights as their non-disabled peers. When a removal will result in the student accumulating more than ten school days of removals for the school year, a parent and necessary District employees shall review the student's file to determine whether the conduct was caused by or had a direct and substantial relationship to the disability, or was a direct result of a failure to implement the IEP. If the behavior was a manifestation of the student's disability, the CSE shall conduct a functional behavioral assessment and create or modify and implement a behavior plan, and the student shall return to his/her prior (or otherwise agreed-upon) placement, except when the student's behavior involves serious bodily injury, weapons, illegal drugs or controlled substances, the student may be disciplined in accordance with Part 201.7(e) of the Commissioner's Regulations. If the behavior was not a manifestation of the student's disability,

then a student with a disability will be treated in the same manner as the student's non-disabled peers, and the District shall continue to implement the student's IEP. In all instances, the District shall consider any unique circumstances when determining whether to change the placement of students with disabilities who violate this Code.

Ref.: P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"

Education Law §3214(3)(g)

8 NYCRR Part 201

Cross-ref: Policy 4202 "Students with Disabilities"



## **APPENDIX E**

# **Law Enforcement**

## **Roles of School Resource Officers, Law Enforcement and Criminal Investigations**

The Board of Education acknowledges the role of law enforcement in contributing to safe and secure schools, and in particular has engaged School Resource Officers, who are officers in the Rochester Police Department, in a number of schools in recent years. SROs and other law enforcement officers who interact with students on school grounds and at school activities are partners in advancing the vision and objectives of the Code of Conduct, and each SRO contract will be aligned with Code policy content. The goal of partnering with law enforcement is to enhance the school environment by assisting staff and students with problems before they negatively affect safety and security or the learning climate and to contribute broadly to our students' education. As such, SROs should be considered valued members of the school security and leadership teams and proactively involved in building a positive school culture.

### **School District and School Administrators**

1. The District will work collaboratively with the City in defining the responsibilities and expectations of SROs.
2. The District will provide training and review where necessary to ensure alignment between Code of Conduct requirements and the responsibilities of SROs and building administrators.
3. The District will provide feedback regarding SRO performance and work cooperatively with the City in the placement of SROs.
4. The school principal or designee will collaborate with the SRO in order to differentiate between disciplinary issues and crimes, and respond accordingly, recognizing that not all incidents that prompt police assistance to ensure safety require classification as crimes. In a non-emergency or post-emergency situation, the principal and SRO should consult to determine whether each student was involved in a disciplinary issue or a crime. If there is disagreement, the SRO supervisor should be consulted for a determination.
5. The school principal, or designee, will immediately contact the parent/guardian of any student arrested or involved in a criminal investigation on school grounds in all non-emergency situations, or as soon as practicable in emergency situations.

6. The school principal, or designee, will immediately notify SROs and other law enforcement agents involved in an arrest or criminal investigation if a student who possesses a disability may require special treatment or accommodations.

### **School Resource Officers**

1. The City of Rochester will manage SROs, who are employed as uniformed Rochester Police Department officers.
2. SROs will appear before Parent Teacher Associations, School Based Planning Teams and other school groups and are encouraged to attend school meetings and training sessions.
3. The City will provide information and reports regarding: students arrested; physical force used on students; issuance of appearance tickets; mental health arrests with police involvement; and SRO/police initiated diversion from court system not reported elsewhere (e.g. not resulting in arrest or referral to family court); or as otherwise required by agreement between the City and School District.
4. The District will support or provide training to SROs in restorative practices and disciplinary responses designed to minimize arrests.
5. SROs will move freely in their assigned building, to develop rapport with students, and in locations requested by the District or school.
6. SROs will collaborate with school principals in order to differentiate between disciplinary issues and crimes, and respond accordingly. Without a warrant or parent/guardian permission, SROs and other law enforcement agents must have reasonable cause to believe that a crime has been committed on school grounds, at a school activity, or while a student is traveling to or from school, prior to involving any student in a crime investigation related to that crime.
7. SROs and other law enforcement agents will immediately inform the Principal or designee prior to involving any student in a crime investigation on school grounds (or at a school activity) in non-emergency situations, or as soon as practicable in emergency situations.
8. SROs will be enabled to participate in a wide range of instructional and supportive activities. They will coordinate activities with the District and school administrators and staff.
9. SROs will ensure that efforts are made to educate and communicate with students who are arrested regarding the criminal charges and Miranda rights, if applicable.

10. RO competencies should include, but not be limited to: knowledge of District discipline approach and Code of Conduct; cultural competence; age-appropriate interventions, communication and policing techniques; the existence of exclusionary discipline disparities according to race and disability, and the District's legal obligation to eliminate them; and school-specific approaches to restorative and differentiated behavioral responses.

### **Police Involvement in Searches and Interviews of Students**

District officials will cooperate with police officials and other law enforcement authorities, and in particular with the School Resource Officers provided by the Rochester Police Department to many District schools in order to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with criminal investigations. Police officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

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

If a police officer questions or searches a student on school property in the context of an official criminal investigation, the Principal or designee shall attempt to notify the student's parent. Whenever possible, the Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

### **Abuse/Neglect Investigations by Child Protective Services (CPS) and Law Enforcement**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services (CPS) when they have reasonable cause to suspect that a student has been neglected, abused or maltreated, the District will cooperate with local CPS workers and law enforcement officers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. School District administrators should not contact parents/guardians unless specifically advised to do so by CPS and/or law enforcement officers involved in the investigation.

All requests by CPS and law enforcement to interview a student on school property shall be made directly to the Principal or his/her designee. The Principal or designee shall set the time and place of the interview. All reasonable efforts should be made to assure that such interviews are conducted at the earliest time mutually convenient to the school and to CPS/law enforcement, and are conducted in a place that offers as much privacy and as few interruptions as is feasible, given the physical limitations of individual buildings.

The Principal or his/her designee should reassure the student that he/she (or other appropriate staff member selected by them) is available nearby if the student should decide to have him/her present in the interview. If the student requests a specific staff member's presence, then every effort should be made to secure that person's attendance at the interview. Anyone attending a CPS/law enforcement interview of a student is present solely to support the student emotionally and should not attempt to participate in or influence the interview.

If, after being informed of the availability of staff support, the student does not request a staff member's presence at the interview, the CPS/law enforcement official shall be permitted to interview the child alone.

If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the CPS worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a CPS worker or School District official of the opposite sex.

A CPS worker may remove a student from school property without a court order only if the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the CPS worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

District staff are encouraged to contact the Law Department for clarification of any questions related to the foregoing process.

## **APPENDIX F**

### **Glossary**

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

**Administrator:** the building/program administrators (such as principals, vice-principals, assistant principals, house administrators, program administrators, and athletic directors), District-wide administrators, the Director of Transportation and security supervisors. When reference is made to a Principal, the term shall be deemed to include a Program Administrator..

**Alcohol/Drugs/Controlled Substances:** any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, "ecstasy," amphetamines, heroin, steroids, look-alikes, and any of those substances commonly referred to as "designer drugs." For purposes of this definition there is also included prescription and over-the-counter drugs when used inappropriately or, in the case of prescription medications, when possessed or used by anyone other than the individual for whom they have been prescribed by a licensed physician. Neither prescription medications nor over the counter medications may be possessed by elementary school students. Parents of elementary school students requiring such medication must personally deliver such medication to the school nurse, for administration to the student in the manner prescribed.

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

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

**Bodily Injury:** Any physical or corporeal injury.

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

**Bullying:** Any intentional act done willfully, knowingly and with deliberation, by individuals or an individual which harms another person physically or emotionally. Bullying includes intentional conduct (including verbal, physical or written conduct) or electronic communication

that is threatening or seriously intimidating and substantially disrupts the orderly operation of a school. Bullying is characterized by an imbalance of power between two students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present; it can be seen in small ways over a long period of time or in a large way all at one time.

**Community Service:** An unpaid service for the benefit of the public that is performed as part (or all) of the consequence for committing an infraction. Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.

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

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

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

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

**District Personnel:** all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District personnel" includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, "District personnel" and "school personnel" are synonymous.

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

Ref.: Education Law §3214(2-a)(b)

**ELL:** English language learner.



**Emergency Situation:** A circumstance in, or in close proximity to, a school or school event in which there is a serious, active and/or immediate threat of injury to a person or persons. An emergency usually requires an immediate competently executed response to dissipate or remove the threat.

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

**Harassment:**

- **Ethnicity or National Origin Disability Harassment:** : A negative act or verbal expression toward an individual or group based on an individual's disabling mental or physical condition and includes any unwelcome conduct directed at the characteristics of an individual's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.
- **Ethnicity or National Origin Harassment:** A negative act or verbal expression toward an individual or group of the same race or national origin who share common or similar traits, languages, customs and traditions, based upon race, national origin, customs and traditions.
- **Marital Status:** A negative act or verbal expression toward an individual directed at the characteristics of an individual's marital status, such as derogatory comments regarding being single, divorced, or being a single parent.
- **Racial Harassment:** A negative act or verbal expression toward an individual or group of persons who possess common physical characteristics (i.e., color of skin, eyes, hair and facial feature genetically transmitted by descent and heredity) that distinguish them as a distinct division of human kind, based on these physical characteristics.
- **Religious Harassment:** A negative act or verbal expression toward an individual or group of persons, who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs.
- **Sex/Gender Harassment:** A negative act or verbal expression toward an individual's sex/gender, such as derogatory comments regarding pregnancy or individual's participation in a non-traditional job or activity.
- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others.

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

**Ref: Policy #0100 District Policy Prohibiting Discrimination or Harassment of Students or Employees**

**LGBTQ:** Lesbian, Gay, Bisexual, Transgender, or Questioning.

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

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

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

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

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

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

**Possession of Alcohol, Drugs and/or Inhalants:** Possession of alcohol, drugs and/or inhalants means to have physical possession or otherwise exercise dominion or control over.

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

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

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

**Referral to School-Based Health and Mental Health Clinics:** These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success.

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

**Restorative Approaches:** See Appendix B: Restorative Approaches.

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

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

Ref.: Education Law §2801(1)

**School Personnel:** all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District personnel" includes transportation personnel whether employed by the District or by a contractor. For purposes of this Code, "District personnel" and "school personnel" are synonymous.

**School Property:** In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary, adult education or post-secondary school or any other property owned or leased by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by/for the District.

Ref.: Education Law §2801(1)

SRO: School Resource Officer.

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

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

Sexual Assault or Offense: unwanted sexual contact or sexual act or sexual contact by force or threat of force or harm against a staff member or another student, including inappropriate touching.

Tardiness: Arriving late to school or class.

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

Trespassing: Being on school property without permission, including while suspended or expelled.

Violent Student:

An elementary or secondary student under the age of 21 who:

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

Ref.: Education Law §3214(2-a) (a)

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

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

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

Ref.: Gun-Free Schools Act, 18 USC §§3351, 8921, 8922, 921  
Education Law §3214(3) (d)  
8 NYCRR 100.2(gg)