



Changes to the Code of Conduct

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OVERVIEW

- The School Climate Advisory Committee reviewed the prior Code of Conduct and offered questions and changes
 - Formed in June 2017
 - Consists of students, staff, parents, and community members
- The group convened bi-weekly for a year and produced written recommendations and commentary in concert with internal and external District partners



OVERVIEW

- The primary focus was to lessen punitive and exclusionary responses in favor of restorative practices and teachable opportunities
- In many parts of the discipline matrix:
 - Minor behaviors have been eliminated as examples
 - Higher level disciplines have been eliminated
 - Lower level interventions have been added



OVERVIEW

- The guidance on the District's and students' interactions with law enforcement has been significantly revised to provide more protection for students
- We have also rearranged some sections for easier reference



Notable Changes - Principles

Principle 12 has been updated to include a broader range of protected classes, consistent with Policy 0100 and the Dignity for All Students Act (“DASA”):

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



Notable Changes - Families

Referral to law enforcement has been limited to allow an administrator to call police without parental notice only if there is an imminent risk to safety at that time:

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, the parent must be contacted *before* the police are called to intervene, unless there is an imminent threat to safety.

Note: This does not limit a student's or parent's right to call the police if they believe they are the victim of a crime.



Notable Changes – Student Rights

- A student has the right:
 - To access school policies, regulations and rules and have them explained by school staff, when necessary.
- The section on students' rights now contains additional protected categories, consistent with DASA
- A student's due process rights explicitly allow a student:
 - To present one's version of events for school staff to take into account in situations in which disciplinary action is being considered.



Notable Changes – Staff Expectations

Staff are expected to:

- Demonstrate passion for teaching, understanding of student centered learning and concern for equitable student achievement
- Assist students in coping with peer pressure and emerging personal, social, or emotional problems



Notable Changes – Principal Expectations

Principals are expected to:

- Ensure that students and staff have the opportunity to communicate regularly with school administrators and have access to the principal to address grievances



Discipline Levels

Levels of Discipline in the Code did not change, they are:

- Level 1 – Classroom interventions and responses or student support team interventions (no suspension)
- Level 2- Intensive support staff and administrative interventions and responses (no suspension)
- Level 3 – Suspension (short term = 5 days or less)
- Level 4 – Extended suspensions (long term = over 5 days)
- Referral to Law enforcement (allowed or required in some cases)



Notable Changes - Matrix

- Threats, Bullying and Cyber-Bullying (p. 32) and Harassment (p. 38)
 - Added to all categories of violations that a DASA complaint may be filed (if deemed necessary by the DASA coordinator at the school) as a reminder to staff
- Bus Violations
 - Now only a violation if it is a “serious disruption”
 - Removed several minor examples of misconduct and replaced all with the phrase: Conduct causing the driver to stop the bus (Level 1-3)



Notable Changes - Matrix

- Classroom Disruption
 - There were previously several categories of violations
 - All have been replaced with: Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students and other behavior that disrupts student learning
 - The only consequences allowable now are Level 1 or 2
- Insubordination
 - The only violation is now: Refusal to be scanned (Level 1-3)



Notable Changes - Matrix

- Disrespectful Behavior (to staff)
 - Primary violation is for: Using verbal insults or put-downs; lying to, misleading or giving false information to school staff (Level 1 or 2, only; removed Level 3)
- Drugs or Controlled Substances
 - Removed Level 3 consequence for being under the influence in order to encourage counseling and treatment



Notable Changes - Matrix

- Minor Fighting (resulting in minor injury)
 - Removed referral to law enforcement as an option
- Misbehavior in Non-instructional Areas
 - Now contains two different types of violations:
 - Running, making excessive noise, throwing objects; picking on, bothering or teasing other students (Level 1 or 2)
 - Failure to follow directions, leading to a potential threat of harm to another person or directly leading to the harm of others (Level 1-3)



Notable Changes - Matrix

Physical Contact with School Personnel

Categories:

- Unintentional, reckless physical contact with school personnel (Level 1 or 2)
- Attack against school personnel; physically attacking an employee of the Rochester City Schools or other adult
 - For K through 6th grade, Levels 1-3
 - For 7th through 12th grade, Levels 1-4 and referral to law enforcement possible



Notable Changes - Matrix

Portable Electronic Device Use at Unauthorized Times

- **Prohibits:** Use of cell phones, PDAs, iPods, electronic games, laser pointers and other portable electronic devices
- First infraction requires a warning, and then only allow Level 1 or 2 interventions for successive violations
- Removed “gaming and gambling,” which had up to a Level 3
- Removed use of devices to cause harm because that behavior is covered in other parts of the Code with more severe consequences allowed (Cyber-bullying and Harassment)



Notable Changes - Matrix

Sexually-Based Infraction, Misconduct, and/or Assault

- Combined all possible sexually-based offenses in one section
- Consensual sexual activity – Level 1 or 2, only
- Sexual Harassment- Level 1-4 and possible referral to law enforcement
- Forced sexual act (included any unwanted sexual touching) – Mandatory Level 4 and reporting to law enforcement



Notable Changes – Alternative Instruction

A new provision has been added that explicitly states:

The Board expects students, administrators, teachers, and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry into the school and classroom at the conclusion of the disciplinary action.



Notable Changes – Police/Arrests

- Updated and cross referenced to Appendix E, Board Policy 5600 and Superintendent’s Regulation 5600-R, which provide guidance on law enforcement interactions with students in schools (p. 45)
 - Reminds staff to contact the Law Department immediately
- Ensures students maintain the same rights in school as they would have outside of school with respect to questioning by the police



Notable Changes - Police

Absent parental consent, police are not allowed to question students under 18 years old in school, except if they have:

- A search or arrest warrant
- Probable cause to believe a crime has been committed on school property or at a school function



Notable Changes - Arrests

- School principal or other administrator must contact a parent immediately if a student is arrested or involved in a criminal investigation (where police have a warrant or probable cause)
- All arrests must be overseen by a member of the Law Department



Notable Changes - Searches

- Searches of student's property by administrators is allowed if there is reasonable suspicion that a search will provide evidence of a violation of a law or the Code of Conduct
- However, we have added language to the Code to make it clear that:
 - Strip searches of students are expressly prohibited in all circumstances under this policy. "Strip search" is defined as a search requiring a student to remove all clothing.



Notable Changes – Appendix C

In order to ensure that discipline is being applied equitably, the Code now specifically states:

Administrators will have a meeting with teachers with high numbers of referrals or with high rates of disparities among student subgroups (e.g. race, ethnicity, disability status, etc.) in order to provide additional supports and uncover challenges.



Notable Changes – Appendix E

- Extensive changes have been made to Appendix E, which discusses the role of law enforcement and child protective services (CPS) in schools
 - Law enforcement access has been limited
 - Provisions around cooperation with CPS have been enhanced



Questions?
