

East EPO Code of Conduct



Our Mission:

At EAST we are taking charge of our future by being tenacious, thinking purposefully, and advocating for self and others.

ACKNOWLEDGMENT

This Code of Conduct is the product of a collaborative effort by families, scholars, teachers, East EPO staff, University of Rochester faculty, and community members seeking to make classrooms at the East EPO safe, supportive, and joyful environments for teaching and learning. Our Code of Conduct is restorative in nature. Restorative Practices are an integral component of progressive discipline and the direction in which the East EPO is committed.

This Code is intended to be a living document. We have begun with an initial goal of minimizing the push-out of scholars through suspensions and arrests, which are shown to contribute to what has been termed the “school-to-prison pipeline.” Multiple layers of support contribute to scholars’ success and well-being, including engaging families as partners and assuring that East EPO 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 an inclusive, vibrant and supportive school climate across the East EPO.

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 on an ongoing basis in order to achieve the goals of keeping all members of the East EPO community safe and flourishing.

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MISSION/VISION

EAST EPO'S MISSION: At East we are taking charge of our future by being tenacious, thinking purposefully, and advocating for self and others.

Our vision of the East graduate:

Components: BE TENACIOUS	THINK PURPOSEFULLY	ADVOCATE FOR SELF AND OTHERS
Attributes of a scholar who is tenacious: ○ Recognizes and takes advantages of opportunities (can do attitude) to discover passions/interests ○ Defines goals and develops a plan to meet them ○ Sets short term goals knowing they will lead to long term success ○ Accesses resources necessary to get job done – multiple resources if necessary ○ Is determined to achieve goals ○ Learns from mistakes; picks up and keeps going ○ Uses feedback to refine thinking or actions ○ Take risks in order to learn and grow	Attributes of a scholar who thinks purposefully: ○ Focuses on the task at hand to get the job done ○ Reflects on one's own thinking and the thinking of others to inform future actions ○ Thinks creatively and critically to solve problems, make decisions or take action ○ Critically questions to refine or extend understanding ○ Listens to and seeks out varying perspectives as part of thinking, decision making and problem solving ○ Uses foundational knowledge and essential literacies to develop deeper understandings ○ Produces work that meets college and work place standards ○ Seeks to understand the role of culture in shaping an individual	Attributes of a scholar who advocates for self and others: ○ Respects and cares for others and works to build relationships ○ Accepts differences and listens to the voice of others ○ Identifies and utilizes skills to support self and others globally ○ Speaks confidently and is willing to respectfully voice opinions to advocate for self or others ○ Works collaboratively to achieve a goal or affect change ○ Leads by example ○ Embraces change; is open minded ○ Communicates effectively for different purposes and audiences through a variety of media
As measured by tasks of academic, civic or personal significance.		

SCHOOL CULTURE & CLIMATE

School culture and climate have an impact upon scholars' academic progress and their relationships with peers and adults. By creating supportive and welcoming communities that value diverse social and cultural practices scholars and their families bring to East, we provide scholars with a supportive environment in which to grow both socially and academically, while also supporting families, teachers, support staff, and administrators. A positive culture and climate create an environment where scholars can recognize their potential and take advantage of opportunities to discover passions and interests. It deeply enhances the quality of life and the work environment for all in the school building. It makes a school welcoming to families and our wider community.

Ref: EPO plan sections 4.1.1; 4.1.1; 5.1; 5.2; 5.4; 5.5; 7.1

TO WHOM, WHEN AND WHERE THIS CODE APPLIES

Unless otherwise indicated, this Code applies to all scholars, East EPO personnel, families, guardians, visitors and other persons on school property or attending any school function. The Code is in effect:

1. On school property during school hours;
2. Before and after school, while on school property;
3. While traveling in vehicles funded by the East EPO;
4. At all East EPO-sponsored events on or off school property.

SCHOLAR ENGAGEMENT

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

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

PROMOTING POSITIVE SCHOLAR BEHAVIOR

The primary goal of behavioral supports is to engage and re-engage scholars in their educational work.

GUIDING PRINCIPLES

Right to High-Quality Education

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

General Principles

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

The purpose of discipline must be to understand and address the causes of behavior, resolve conflicts, repair the harm done, restore relationships and reintegrate scholars 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 scholars, families and their own colleagues. In order for this effort to be successful, scholars and their families must be valued and empowered to work together with East EPO staff to achieve these goals.

East EPO staff 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 scholars 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 focusing on being proactive, building relationships and engagement, thus preventing misbehavior before it occurs, and by using effective interventions after it occurs. School staff should seek first to understand why specific behaviors occur and then creatively work on implementing behavior supports that prevent negative behaviors or positively mitigate them once they are occurring.
- **Principle #5 – Discipline with Guidance**
School discipline that is paired with meaningful instruction and guidance offers scholars an opportunity to learn from their mistakes and positively contribute to the school community, and is more likely to result in scholars being authentically engaged in learning.
- **Principle #6 – Maximize Learning and Minimize Removal**
Effective school discipline maximizes the amount of time scholars spend learning and minimizes the amount of time scholars are removed from their classrooms.
- **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 as the last step in a progressive discipline process.
- **Principle #8 – Scholar Supports**
Schools must utilize guidance interventions and other appropriate support services to provide effective discipline and guidance to scholars, including and especially those returning from exclusionary discipline, to maximize their ability to meet social and academic standards within the school community.
- **Principle #9 – Scholar Responsibilities**
All scholars 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, advocate for themselves and others, accept responsibility for their actions, hold themselves to the highest standards of conduct and demeanor, and work together with the school staff to support the mission of the East EPO.
- **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 East EPO 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 in ways 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 East EPO must address and respond to racial inequities, institutional racism and other forms of discrimination or bias that present barriers to scholar success and that

contribute to making the school experiences of scholars predictably different based on their race. 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 scholars' 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 scholar's version of the facts and circumstances that led up to the event.

- **Principle #14 – Training**

Teachers, administrators and school staff shall receive regular, robust professional learning about classroom/school management, conflict resolution, and restorative practice approaches to discipline.

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

Scholars, families, teachers and other school personnel must be well-informed of school discipline policies. The East EPO shall distribute a summary of this Policy to all scholars and their families and post the Policy on the East EPO website and in an accessible place within each school. All policies will be translated into appropriate languages.

- **Principle #16 – Family Engagement**

Schools and families work together to support the education of their children and all staff should embrace reciprocity and meaningful engagement. School staff will keep families 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 #17 – Shared Accountability**

The East EPO 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 scholars in the East EPO community.

FAMILIES AS PARTNERS

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

To ensure that families and guardians become active and involved partners in promoting a safe and supportive school environment, they must be familiar with the Code of Conduct. East EPO officials are responsible for sharing the information in this document with scholars, families, guardians, and staff. Educators are responsible for informing families and guardians about their scholars' behavior and for nurturing the skills scholars need to succeed in school and in society. Families and guardians are encouraged to discuss with their scholars' teacher and other school staff issues that may affect scholar behavior and strategies that might be effective in working with the scholar.

It is important that there be robust consultation and communication between the East EPO and the home. Guidance conferences attended by the principals or their designee, a school counselor, the scholar's parent(s) or other family member/guardian, and one or more of the scholar's teachers are an effective means of encouraging family input and should be held with scholars when appropriate. The East EPO will continue to implement scholar led conferences. These conferences allow scholars to facilitate meetings with family members, guardians, teachers and administrators using evidence from their schoolwork to demonstrate their growth as a scholar. Family members/guardians who want to discuss interventions in response to scholar behavior should contact their scholar's Upper or Lower School main office, the Family Liaison or, if necessary, the Family and Community Engagement (FACE) team.

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

ATTENDANCE

Attendance at school is vital to a scholar's academic progress and success. School personnel must ensure that appropriate outreach, intervention, and support are provided for scholars 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 scholar and responsible family member or guardian in order to determine needed supports and an appropriate course of action, which may include, but is not limited to: guidance intervention, referral for counseling, and/or referral to after-school programs. The school will review cases of chronic absenteeism, classroom removals, and/or truancy and should involve attendance staff, administrators, school counselors, teachers, social workers, and other school staff in facilitating a resolution.

Cross Ref. Rochester City School District Board Policies:

Policy #0100 East EPO Policy Prohibiting Discrimination or Harassment of Scholars or Employees Policy #1000 Community Relations Goals

Policy #1200 Community Involvement

Policy #1240 Visitors to the Schools

Policy #1520 Public Conduct on School Property

Policy #1530 Smoking on School Premises

Policy #1950 Acceptable Use of the RCSD Network

Policy #2120.1 Electioneering in Schools

Policy #4311.2 Civic Education

Policy #4526 Internet Acceptable Use

Policy #5100 Scholar Attendance and Withdrawal

Policy #5305 Eligibility for Extracurricular Activities

Policy #5310 Scholar Discipline

Policy #5311 Scholar 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 SCHOLARS

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, scholars, families, guardians, and community members need these supports as well. Among these, everyone involved in the East EPO needs to be able to count on the following:

- **More opportunity to work in groups**, which reinforces interdependent, collaborative thinking and increases scholars' understanding of difference.
- **Professional growth opportunities** (including trainings, professional learning, shadowing colleagues or visiting model schools, etc.) that are aimed at the purposes and goals of transforming the East EPO to being an inclusive, restorative place. 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 the school community.

- **Community growth opportunities** that will enable families, guardians, scholars, and other community members to understand--and participate in--the transformation of school climate and culture that is a 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 (Quick Fix, I can statements, peace circles), anti-racism, trauma-informed practices, internal motivation (Self-Determination Theory), and culturally relevant practices.
- 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**, such as the Care Room at the Upper School and the Cool Down Room at the Lower School, where trained staff and/or counselors can help scholars 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 scholars’ interests**, such as advising, coaching, and developing clubs and activities that boost connectedness and pride in their school.
- **Regular signals that the East EPO is investing in supports** to transform school climate and culture with benefits for everyone. The vision for school climate and culture must be emphasized at all levels of the East EPO’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 monitoring and measuring the impact** of the Code of Conduct are in place.

The East EPO will continue to work on building a collaborative, inclusive, and restorative school community that supports the growth of scholars as they fulfill the school’s mission and vision.

SHARED ACCOUNTABILITY

Rationale

The climate and culture of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of belonging, ownership, and responsibility for one another’s well-being—have 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 harmful 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.

These 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 an inclusive, supportive, non-punitive, problem-solving environment with a shared mission and 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. Community members are encouraged to reflect frequently on how their attitudes and behaviors either support the shared values of the community or fail to do so, and to consider attitudes and 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, specifically the mission and vision, and communicate with others when actions undermine those goals.

- Optimally, we establish our shared values together for how we want to operate and support one another as members of the East EPO community.
- Our values should be assertive toward changing the conditions that have been damaging or have been holding us back from reaching our full potential as individuals, as a community, and as an institution.

- Members of the East EPO 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 an inclusive, supportive, non-punitive, problem-solving environment that is actively co-created and nurtured on an ongoing basis. 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 a positive climate and culture to be achieved.
- Accountability is typically not comfortable. Thus, shared accountability requires trust that we are going somewhere real together. The East EPO is responsible for providing structures and processes through which such accountability can support community values and the ongoing moral and ethical development of all East EPO community members.

The University of Rochester and the East EPO have 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 others who are excited to be there:
 - Quality of life and work environment is enhanced,
 - Learning is improved, and
 - Everyone gains more respect for one another, and thus, the ability to work together as a team for scholars' well-being and success increases.
- There is a solid community of people who *want* things to be better in the world, and are working toward this.
- More efforts are happening to be sure that opportunities are at the other end of school when scholars graduate (i.e., jobs, college access) 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 East EPO community.

We aspire to share accountability within the East EPO school community. 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 a school climate and culture that support continual growth and joy in teaching and learning.

RIGHTS, RESPONSIBILITIES AND EXPECTATIONS

The East EPO commits to creating learning communities in which all members are understood to be growing, caring, and 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 Scholars Act (Dignity Act)** requires that no scholar is subject to discrimination or harassment, based on a her/his 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 other scholars 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 the scholar's ability to participate in or benefit from the 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, text messaging, blogs, chat rooms, cell phones, 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 principals or Dignity Act Coordinator in accordance with Board Policy 0100 and 0100R. Counselors, social workers, and SRO's should be

notified in order that they may offer support in an advisory capacity and with conflict resolution.

Cross ref: Policy 0100 "RCSD Policy Prohibiting Discrimination or Harassment of Scholars or Employee; Regulation regarding Reporting Incidents of Discrimination or Harassment"

Scholars' Rights & Responsibilities

The East EPO is committed to upholding scholars' rights in accordance with the following. Scholars are also expected to fulfill their responsibilities to fully participate in their education as outlined below.

RIGHTS	RESPONSIBILITIES
1. To attend school at the East EPO as long as they meet the residential and age requirements.	1. To attend school daily, regularly and on time, complete assignments, strive to do the highest quality work possible, be prepared to learn, and be granted the opportunity to receive a sound education.
2. To expect that school will be a safe, orderly and purposeful place for all scholars to gain an education and to be treated fairly.	2. To be aware of all rules and expectations about scholars' behavior and conduct themselves in accordance with these expectations.
3. To be respected as an individual and treated courteously, fairly and respectfully by other scholars and school staff.	3. 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.	4. To express opinions, ideas and advocate for themselves and others in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.
5. To dress in such a way as to express one's identity and personality.	5. 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.	6. To be aware of available educational programs in order to use and develop one's capabilities to her/his maximum potential.
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 origin, ethnic group, political affiliation, age, marital status, or disability.	7. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
8. To have access to relevant and objective information concerning drug and alcohol	8. To be aware of the information and services and to seek assistance in dealing with

abuse, as well as access to individuals or agencies capable of providing direct assistance to scholars 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 scholars 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 scholars with the purpose of improving the school, classroom, and/or learning environment.
11. To receive clear and adequate support for homework.
13. To due process, to be considered innocent until proven guilty, and to a fair and impartial grievance process to resolve scholar concerns.
15. To organize with other scholars and self-represent in important school decision-making processes.
17. To affordable and nutritious food in the school environment.

personal problems, when appropriate.

9. To respect one another and treat others fairly in accordance with the East EPO Code of Conduct and the provisions of the Dignity Act. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.
10. To work together with classmates and school staff to maintain a positive school climate and culture.
12. To complete schoolwork; abide by school rules on academic honesty.
14. To follow the Code of Conduct.
16. To attend meetings regularly and work with peers in leadership.
18. To communicate to administration about the food.

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

Policy #0100 RCSD Policy Prohibiting Discrimination or Harassment of Scholars or Employees

Policy #5311 "Scholar Rights and Responsibilities"

Parents/guardians/family members' Rights & Responsibilities

The East EPO is committed to working with families and guardians 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. Communicate with their child's teacher regularly.
2. Be treated courteously, fairly and respectfully by all school staff and principal.	2. Be respectful and courteous to staff, other families, guardians and scholars while on school premises or at school functions, or when communicating with staff regarding East EPO business.
3. Get information about the policies of the East EPO and procedures that relate to their children's education.	3. Read and become familiar with the policies of the East EPO and the Code of Conduct. Ask questions if clarification is needed.
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 regular communication about their child's successes and awards.	5. Attend celebratory events whenever possible.
6. Receive information and prompt notification of inappropriate or disruptive behaviors by their children and any disciplinary actions taken by principals or school staff.	6. Work with principals and school staff to address any academic or behavioral problems their children may experience.
7. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals.	7. Give updated contact information to the appropriate East EPO main office as soon as possible once changes to contact information are made.
8. Receive information from school staff about ways to improve their children's academic or behavioral progress, including counseling, tutoring, after school programs, academic programs, and mental health services within the Rochester City School District, East EPO, and the community.	8. Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework.

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| <p>9. Receive information about services for scholars with disabilities and English language learners, when applicable.</p> <p>10. Receive communication, both orally and in writing, in their native language.</p> | <p>9. Support the East EPO by talking with their children about their school experience and expected behaviors.</p> <p>10. Teach their children respect and dignity for themselves, and other scholars 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 Scholars Act.</p> |
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Principals & Staff Expectations

Principals and school staff have unique obligations to scholars and families/guardians in the educational setting.

- 1.** Maintain safe and orderly schools by using prevention and intervention strategies, and by following the East EPO Code of Conduct.
- 2.** Be respectful, fair and courteous to scholars, parents/guardians/family members; serve as role models for scholars.
- 3.** Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every day.
- 4.** Participate in professional learning opportunities.
- 5.** Be knowledgeable about the policies of the East EPO 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 scholars with disabilities.
- 7.** Communicate policies, expectations and concerns, and respond to complaints or concerns from scholars and families in a timely manner and in a language they understand.
- 8.** Make sure that scholars are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
- 9.** Keep parents and guardians informed of scholar academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
- 10.** Keep up to date of research and best practice in their area of expertise, updating their practices accordingly.

11. Provide makeup work for scholars with lawful absences, including those scholars who are absent for disciplinary reasons.
12. Maintain and encourage a climate of mutual respect and dignity for all scholars 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 scholars' self-image and promote confidence to learn.
13. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any scholars, school employee or any person who is lawfully on school property or at a school function.
14. Resolve personal biases that may prevent equal treatment of all scholars in the school or classroom setting.
15. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, scholar support services personnel or other staff to the building administrator and/or Dignity Act Coordinator (DAC) and/or the principals or East EPO Superintendent in a timely manner.
16. Work together with scholars and parents/guardians and family members to maintain a positive school climate and culture.
17. Principals: Meaningfully address in a timely manner any incidents of discrimination and harassment that are witnessed or otherwise brought to their 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 scholar lawfully on school property or at a school function.
6. Be accessible to scholars, parents and staff members.

East EPO 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 EPO staff with appropriate administrative support.
3. Review with East EPO administrators the policies of the East EPO and state and federal laws relating to school operations and management.
4. Inform the School Board about educational trends, including scholar discipline.
5. Work to create instructional programs that reduce instances of misconduct and are sensitive to scholar and teacher needs.
6. Work with East EPO 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.

University of Rochester Expectations

The University of Rochester responded to the request of the Rochester City School District Board of Education to act as the Educational Partnership Organization for East. As such, the East Community should expect that the University will:

Expectations

1. Provide oversight to ensure that the EPO plan as approved by the Board and the Commissioner of Education is implemented with fidelity.
2. Support best practices in curriculum development, instruction and social emotional support.
3. Base our work on evidence-based research.
4. See that the social justice mission of the University and specifically the Warner School is reflected in practice at East.
5. Seek to create an environment in which the fundamental dignity of all members of the East community is protected and nurtured.

PREVENTION, INTERVENTION & PROGRESSIVE DISCIPLINE

Universal Prevention

A whole school approach to promoting positive behavior is one of the key foundational practices needed to build and maintain a positive climate and culture. A positive youth development framework that is consistent, pro-active and builds on the strengths of all scholars, adopted school-wide and implemented within each classroom provides supports to all scholars. Prevention strategies that take into account trauma-informed practices incorporated into classroom daily activities and integrated into curriculum reinforces and supports relationship-building, strengthens social and emotional skills, develops positive mindsets and self-regulation strategies and forms the foundation for a progressive discipline framework.

Guidance for Progressive Discipline

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 East EPO focuses on so scholars can reflect on their actions and link back to the universal prevention strategies being developed and taught.

Supportive progressive discipline and restorative practices are preferred over punitive and exclusionary approaches, yet there will continue to be situations in which scholars will receive disciplinary and exclusionary consequences. The Code of Conduct uses the term “progressive discipline” to describe warnings, loss of privileges, detentions, suspensions and other actions, in contrast to disciplinary responses which denote more individualized and supportive responses to problem behaviors.

Progressive Discipline

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

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

- 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 disruptive scholar behaviors.

Restorative Approaches

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

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 rebuild relationships, and how people can behave differently in the future. Examples of restorative practices include but are not limited to talking to scholars about their actions, facilitated circles, and peer mediation. For more details, see Appendix B.

Scholar Cycle of Support

<i>Referral Purpose</i>	<i>Primary Responder</i>	<i>Secondary Responder</i>	<i>Follow-Up Process if Not Responded to in Real Time</i>
Aggressive or Injurious / Harmful Behavior	Vice Principal	Counselor or SW	Follow up with Principal
Seriously Dangerous or Violent Behavior	Vice Principal	Counselor or SW	Follow Up with Principal
Disorderly / Disruptive Behavior	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Under the influence	Vice Principal	Principal	Follow up with Vice Principal
Bullying	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Bus Violation	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Possession of a weapon	Vice Principal or Principal	Vice Principal or Principal	Follow up with Principal
Vandalism/Property damage	Counselor or SW	Vice Principal	Follow up with Principal
Defiance of Authority	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Threatening Behavior	Counselor or SW	Vice Principal	Follow up with Vice Principal
Student Mediations	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Immediate Social-Emotional Need	Counselor or SW	Counselor or SW	Follow up with Student Support Center
Failure to identify oneself	Counselor or SW	Counselor or SW	Follow up with Vice Principal
Leaving classroom without permission	Counselor or SW	Counselor or SW	Follow up with Vice Principal

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 helping the scholar understand and deal with the factors causing the behavior could alleviate such behavior in the future.

1. Age, health, and disability or special education status of the scholar.
2. Appropriateness of the scholar's academic placement.
3. Scholar's prior conduct and record of disruptive behavior.
4. Scholar's understanding of the impact of their disruptive behavior.
5. Scholar's willingness to repair the harm caused by their disruptive behavior.
6. Seriousness of the behavioral offense and the degree of harm caused.
7. Whether the disruptive behavior constitutes a DASA violation, and if so, what response is required to satisfy the East EPO's obligations under DASA.
8. The circumstances/context in which the disruptive behavior occurred.
9. Whether the scholar was acting in self-defense.
10. Whether the scholar's offense threatened the safety of any scholar 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 scholar's disruptive behavior using positive, preventive methods prior to the incident at issue.
14. Any other mitigating or aggravating circumstances that may be relevant, including the scholar's history of trauma.
15. In the event that a court issues an order of protection for the benefit of an East EPO scholar or employee, the scholar 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 has 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 disruptive behavior should begin with the lowest level of disciplinary response and should include appropriate progressive discipline steps.
- Whenever possible and appropriate, prior to imposing exclusionary discipline, school officials should exhaust less severe disciplinary responses and use progressive discipline and restorative practices.
- More severe accountability measures and more intensive progressive disciplinary actions will be used with scholars who engage in a pattern of persistent disruptive behavior.

Progressive Discipline Responses and Delineation of Authority

1. Oral warning – any member of the East EPO staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, social workers, teachers and other certificated staff, principals, vice principals, East EPO Superintendent.
3. Written notification to parent/guardian/family member – bus drivers, hall and lunch monitors, coaches, guidance counselors, social workers, teachers and other certificated staff, principals, vice principals, East EPO Superintendent or designee.
4. Detention – teachers and other certificated staff, principals, East EPO Superintendent or designee.
5. Suspension from transportation – Director of Transportation, principals, East EPO Superintendent or designee.
6. Suspension from athletic participation – coaches, athletic director, principals, East EPO Superintendent or designee.
7. Suspension from social or extracurricular activities – activity director, principals, East EPO Superintendent or designee. Teachers may suspend scholars from social or extracurricular events or activities, which the particular teacher organizes and supervises.
8. Suspension of other privileges – principals, East EPO Superintendent or designee.
9. Suspension or revocation of scholar's access to East EPO computers and Internet connections—principals, East EPO Superintendent or designee.
10. In-school suspension – principals, East EPO Superintendent or designee.
11. Removal from classroom by teacher – teachers.
12. Short-term (five days or less) suspension from school – principals, East EPO Superintendent or designee, Board.
13. Long-term (more than five days) suspension from school – principals (may recommend), East EPO Superintendent or designee or Board (may impose long-term suspension).
14. Removal from a regular school program—East EPO Superintendent or designee, Board.
15. Permanent suspension from school – East EPO 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 East EPO Code of Conduct holds scholars accountable for their behavior. Disruptive behavior 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 scholar behavior. The Code of Conduct provides progressive disciplinary steps for scholars who engage in repeated behaviors despite prior interventions or consequences.

Under this matrix, school staff responds to disruptive scholar behaviors with progressive discipline and, depending on the circumstances, restorative practices. School staff can choose one of many progressive disciplinary actions to help scholars improve their behavior. At all levels, scholars may receive a non-disciplinary referral to support staff in the school building.

The matrix intentionally limits the disruptive behaviors for which a scholar can receive a disciplinary exclusion, such as classroom removal, short- or long-term suspension, or expulsion. Except for prolonged or repeated behaviors, scholars are not suspended for Level 1 or 2 behaviors or removed from a classroom for Level 1 behaviors. Scholars may be removed from the classroom for Level 2, 3, or 4 behaviors. Scholars may be given suspension for Level 3 or 4 behaviors (See Progressive Discipline Responses and Delineation of Authority list for who is authorized to give suspensions).

How to Use the Behaviors and Responses Matrix

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

1. Staff should locate the behavior on the matrix.
2. On the first instance of any inappropriate or disruptive behavior, staff shall utilize one or more progressive disciplinary actions or restorative practices, 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 disruptive behavior becomes repetitive despite interventions, 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.

EXAMPLES

- If a scholar 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 1.
- If that scholar is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels 1 or 2.
- If the interventions are unsuccessful and the scholar commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels 1 and 2.
- In circumstances in which the scholar has **repeatedly and persistently** engaged in **violations of the same or similar nature**, interventions from Levels 3 or 4 may be utilized.

*The list of progressive disciplinary actions is not all-inclusive. Other options that support scholars in the classroom and in the school without removing them from the school environment may be considered and used. Some of these actions are listed in the cell phone and tardy policies below.

INTERVENTION CHARTS

LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

Universal Prevention for All Scholars

The East EPO takes a whole school approach to promoting positive behavior. Social-emotional learning is infused into a culturally responsive curriculum that engages scholars. Staff meets regularly to ensure that there is a comprehensive scholar support program in place that includes guidance services, opportunities for social-emotional learning, scholar engagement opportunities and prevention and intervention behavioral supports to encourage and motivate pro-social scholar 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 scholars in need of intervention and/or support services.

	Type of Intervention	Progressive Disciplinary Actions	Disciplinary Responses
Level 1	Classroom Interventions and Responses. These interventions aim to teach correct and alternative behavior so scholars 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 progressive fashion.	- Reminders and redirection - Verbal correction - Role play - Parent or guardian contact - Written reflection using Covey's Habits as guidance - Written apology - Seat change - Daily progress sheet on behavior - Teacher/scholar conference - Buddy teacher system - Teacher/family conference	- In-class time out - Loss of classroom privileges - Detention
	Scholar Support Team Interventions. These interventions often involve support staff, both school based and within the broader community, and aim to engage the scholar's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the scholar's inappropriate or disruptive behavior. Staff should use these responses in a graduated fashion.	- Any of the above interventions - Family member accompanies scholar to school if that person agrees and as part of contractual requirements - Referral to building-wide support location - Referral to after-school program - Referral to Scholar Support Team - Referral to mentoring program - Referral to school-based health or mental health clinic - Referral to community-based organization - Referral to substance abuse treatment services - Change in schedule or class if applicable - Functional Behavioral Assessment and creation of a Behavior Intervention Plan - Referral to CSE or 504 team. - Peer mediation - Restorative approaches, including community service or restitution - Conflict resolution - Community mediation - Community conferencing - Cool down room - ATS - CARE room - ISS	
Level 2	Intensive Support Staff and Administrative Interventions and Responses. These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the scholar in school. Staff should use these responses in a graduated fashion.		- Any of the above consequences - Reprimand by appropriate administrator - Loss of school privilege - Detention - Classroom removal (up to ½ day)
Level 3	Suspension and Referral Interventions and Responses. These interventions may involve the short-term removal of a scholar 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.		- Any of the above consequences - Short-term suspension (one to five days)
Level 4	Extended Suspension and Referral Responses. These interventions involve the removal of a scholar from the school environment because of the severity of the behavior. They may involve the placement of the scholar 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.		- Any of the above consequences - Long-term suspension - Expulsion

KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of scholars and others.

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

Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Absences					
• Unexcused tardiness or absence from school.	●				
• Persistent or excessive absence from school.	●	●			
Academic Dishonesty (i.e., cheating or plagiarizing)					
• Cheating or plagiarism.	●	●			
Alcohol					
• Under the influence* (see special note at end of matrix)		●	●		
• Possessing alcohol		●	●		●
• Distributing or selling (includes possession under circumstances evincing intent to sell).			●	●	●
Attack on Scholar (i.e., hitting, kicking or punching another scholar without warning or provocation)					
• No injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes).		●	●		
• Bodily injury grade 6.		●	●	●	
• Bodily injury grades 7 to 12.			●	●	●
Bomb Threat					
• Grades 6 to 12.				●	●

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of scholars and others.

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

Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Threats, Bullying and Cyber-bullying					
Intentional conduct (including verbal, or written conduct) or electronic communication that is intended to be offensive, threatening or intimidating.		●	●		●
Physical contact in a manner intended to be offensive, threatening or intimidating			●		●
Serious bullying (i.e., repeatedly over time engaging in intentional negative behaviors that adversely affect another scholar's ability to participate in or benefit from the school's education or extra-curricular programs or severe isolated instances of bullying, such as threatening behavior that places a scholar in fear of death or serious injury or conduct that is intended to cause another scholar to suffer public humiliation).				●	●
Bus Violation					
Minor disruption on the bus (i.e., eating, drinking, being too loud, standing).	●	●			
Serious disruption on the bus.		●	●	●	
Class Cutting					
Failure to appear or attend a scheduled class.	●	●			
Classroom Disruption					
Talking disruptively in class; throwing objects; picking on, bothering or teasing other scholars; and other disruptive behavior that distracts from scholar learning.	●	●			

Defiance of Authority and/or Insubordination (nonviolent/nonphysical)					
Refusing to follow directions.	●	●			
Refusing to respond to school staff questions or requests.	●	●			
Refusing to follow directions, leading to a potential threat of harm to another person.	●	●	●		
Refusing 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 Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of scholars and others.

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

Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Disrespectful Behavior					
• 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, grade 6 to 12.	●	●	●		●
Dress Code Violation					
Refer to dress code standards listed in Appendix A.	●	●			
Drugs or Controlled Substance (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).		●	●		
• Possession		●	●		●
• Distributing or selling (includes possession under circumstances evincing intent to sell).				●	●
False Activation of a Fire Alarm					
• Grades 6 to 12.			●	●	Fire Department must be notified.

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

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

Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Fighting					
• Physical aggression with another scholar or any adult (e.g., shoving or pushing).	●	●			
• Minor fighting (may include incidents resulting in minor injuries)	●	●	●		●
Fire Setting/Arson					
• Starting a fire; destruction of property as a result of starting a fire.		●	●	●	MUST BE REPORTED TO FIRE DEPARTMENT NYS Fire Code §401.3
Gambling					
• Requiring the use of money or exchangeable goods.	●	●			
Hallway Misbehavior					
• Running, making excessive noise or loitering.	●	●			
Harassment Based on Race, Ethnicity, Gender/Gender Identity, Sexual Orientation, Disability or Religion, Including Cyber-harassment, Against Members of the School Community					
• Minor harassment (e.g., verbal or virtual discriminatory actions).		●	●		
• Physical contact in a manner intended to be offensive, threatening or intimidating.			●	●	

• Serious harassment (i.e., persistent or long-term harassment or harassment involving threatening behavior that places a scholar in fear of death or serious injury, defamation, discrimination, or conduct that is intended to cause another scholar to suffer public humiliation).			•	•	•
Inciting or Participating in Disturbance					
• Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot; or obstructing vehicular or pedestrian traffic.		•	•	•	•
• Using a personal communication device to attract others to participate in or witness a disturbance.		•	•	•	•

Note: *All scholars 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 Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of the scholars and others.		Level 3: Short-Term Suspension – may be appropriate when interventions and supports have been put in place but the disruptive behavior is escalating (repeated offenses).		Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Inhalants					
Under the influence* Medical personnel must be immediately notified if a scholar is found to be under the influence or using an inhalant.		●	●		
Possession		●	●		●
Distributing or selling (includes possession under circumstances evincing an intent to sell).				●	●
Physical Contact with School Personnel					
Unintentional, reckless physical contact with school personnel.	●	●			
Attack against school personnel; physically attacking an employee of the East EPO or other adult, including striking a staff member who is intervening in a fight or other disruptive activity.		●	●	●	●
Use of electronic devices that lead to the threat of harm to another person.		●	●		●
Use of electronic devices that cause harm to another person			●	●	●

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of scholars and others.

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

Level 4: Request for Long Term Suspension – may be appropriate when a scholar's disruptive 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
Property Damage, Including Graffiti					
• 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).		●	●	●	●
School Equipment Use without Permission					
• Use of computers, fax machine, phones, etc.	●	●			
Serious Bodily Injury					
• 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.
Sexual Assault or Offense					
• Unwanted sexual contact, including unwanted touching of intimate body parts without use of force				●	●
• 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
Sexually-Based Infraction					
• 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		●	●	●	●

INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE

KEY: USE LOWEST LEVEL INDICATED FIRST

Level 1: Classroom Support and Scholar Support Team – may be appropriate when scholar 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 disruptive behavior but the behavior has continued to negatively affect the learning of scholars and others.

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

Level 4: Request for Long-Term Suspension – may be appropriate when a scholar's disruptive 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
Theft					
• Taking of property that does not belong to that person.	●	●	●	●	●
Trespassing					
• Being on school property without permission.		●			●
• Being on school property while suspended or expelled.		●	●	●	●
• Breaking and entering.		●	●	●	●
Weapons, Firearms and Explosives (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 East EPO Superintendent. Education Law §3214(3)(d)				●	MUST BE REPORTED TO POLICE ● 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.).			●	●	MUST BE REPORTED TO POLICE ●
• Other weapons (possession of any implement which could cause bodily harm, for example, a knife with a blade longer than 2½").			●	●	MAY BE REPORTED TO POLICE ●

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

All scholars, East EPO 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 where practicable. For actions that could involve a criminal investigation, every effort must be made to contact the scholar's family or guardian as soon as possible. The charts above note 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 scholar;
2. Appropriateness of the scholar's academic placement;
3. Scholar's prior conduct and record of disruptive behavior;
4. Scholar's understanding of the impact of their disruptive behavior;
5. Scholar's willingness to repair the harm caused by their disruptive 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 Scholars Act (DASA), and if so, what response is required to satisfy the East EPO's obligations under DASA;
8. The circumstances / context in which the disruptive behavior occurred;
9. Whether the scholar was acting in self-defense;
10. Whether the scholar's offense threatened the safety of any scholar 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 scholar's disruptive behavior using positive, preventive methods prior to the incident at issue;
14. Any other mitigating or aggravating circumstances that is relevant, including the scholar's history of trauma.

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

Scholars and their families/guardians are not prohibited from contacting the police if they believe that a scholar has been the victim of a crime.

Scholar Removals & Due Process

On occasion, a scholar 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 scholars within the classroom (e.g. timeouts and other informal measures).

There are four ways that schools can remove scholars 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, scholars are entitled to due process, which means that the staff must take steps to investigate the incident and talk to the scholar before making the decision to remove the scholar 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/guardians must receive notice of the behavior and the disciplinary response. The longer the removal, the more steps the school must take before removing a scholar. Scholars with disabilities are entitled to additional due process.

Alternative Instruction

The mission of the East EPO is to educate all scholars to their highest level of performance. The East EPO 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 scholar to fall behind in achieving those goals.

When a scholar is removed from class, or a scholar of compulsory school age is suspended from school pursuant to Education Law § 3214, the East EPO 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., cool down room, CARE room, ATS, ISS, 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 scholar 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 scholar 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 that scholar's ability.

The following locations will be provided to scholars as alternatives to out of school suspension.

Location	School	Duration/Description
Cool Down Room	Lower School	Duration: ½ period-½ day The purpose of the Cool Down Room is to provide Lower School scholars with an alternative location to complete work and de-escalate while preparing to return to their regular schedule. This room will be staffed by trained staff who will work with the scholar to address her/his immediate social and emotional needs. Scholars can be assigned to this room by their vice principal, director, or principal.
CARE Room	Upper School	Duration: ½ period-½ day The purpose of the CARE Room is to provide Upper School scholars with an alternative location to complete work and de-escalate while preparing to return to their regular schedule. This room will be staffed by trained staff who will work with the scholar to address their immediate social and emotional needs. Scholars can be assigned to this room by their vice principal, director, or principal.
Alternative to Suspension (ATS)	Lower School	Duration: 1-5 days The ATS Room will be an alternative location to out of school suspension. Scholars will have the opportunity to complete authentic class assignments and participate in workshops (research-based curriculum)/Life skills sessions (matched interventions) conducted by the ATS Social Learning Specialist. The Center for Youth trained specialist will present a curriculum that offers a proactive, therapeutic approach to instilling the skills, habits and behaviors necessary to be successful in school and life. Scholars can be assigned to this room by their vice principal, director, or principal.
In School Suspension (ISS)	Upper School	Duration: 1-5 days The ISS Room will be an alternative location to out of school suspension. Scholars will use this space to complete work that is to be provided by their teachers within one day of the scholar being assigned. It is the responsibility of the ISS coordinator, scholar's administrator, or other staff member to notify teachers of the scholar's assignment. It is the scholar's responsibility to complete all assigned work and return it to their teacher.

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 scholar for the purpose of punishing that scholar. Corporal punishment of any scholar by any East EPO 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 scholar, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a scholar whose behavior is a danger to self or others, interferes with the orderly exercise and performance of East EPO functions, powers and duties, if that scholar has refused to refrain from further disruptive acts.

The East EPO 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).

Scholar Searches

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

In addition, the RCSD Board authorizes the East EPO Superintendent, building principals and security officials to conduct searches of scholars and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the scholar 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 scholar'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 East EPO Superintendent, building principals or security official.

If practicable, the school official conducting a search shall consult with the East EPO Superintendent and/or Legal Counsel concerning the presence of reasonable suspicion and shall have another adult witness the search. Whenever practicable, before searching a scholar or the scholar's belongings, the authorized school official should first ask the scholar if he or she possesses physical evidence that the scholar violated the law or the Code of Conduct and/or ask the scholar 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 scholars will be present when their possessions are being searched.

The rules in these Standards regarding searches of scholars and their belongings do not apply to scholar lockers, desks and other school storage places. Scholars have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that scholar lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to scholars 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 scholars 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 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 scholar 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 principals or designee shall be responsible for the custody, control and disposition of any dangerous item taken from a scholar, 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 principals or their designee shall clearly label each item taken from the scholar and retain control of the item(s), until the item is turned over to the police. The principals or their designee shall be responsible for personally delivering dangerous or illegal items to security or to law enforcement.

PUBLIC CONDUCT ON SCHOOL PROPERTY

The East EPO 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 East EPO Superintendent or the University of Rochester. 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, scholars, families, guardians, teachers and other East EPO 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 East EPO recognizes that free inquiry and free expression are indispensable to the objectives of the East EPO. 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 families, 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 East EPO’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 East EPO relative to the use of East EPO property by members of the community, and is directed specifically to assuring to the fullest possible extent that all users of the East EPO 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 East EPO property or the personal property of a teacher, administrator, other East EPO 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, East EPO 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/gender identity, 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 scholar’s education or threatens a scholar’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 East EPO 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 East EPO 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 East EPO policy while on school property or while at a school function.
17. Conduct themselves in a manner which violates East EPO rules, 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 scholars. 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 scholar.

22. Place a bomb, explosive, biological or chemical weapon or incendiary device on East EPO 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 East EPO property.
23. Commit any other act on East EPO property or at a school function that would be prohibited under this Code if committed by a scholar of this East EPO

Visitors to Schools

The East EPO encourages parents/guardians and other citizens to visit East and classrooms to observe the work of scholars, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principals or their designee are 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 scholar at East will be considered a visitor (including central office staff).
2. All visitors to the school must report to either the Lower School or Upper School main office 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. All visitors must be escorted at all times by administration or an SSO, except volunteers.
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. Family members/guardians 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 will not take time to discuss individual matters with visitors during class time.
6. Any unauthorized person on school property will be reported to the principals or their 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 scholars have a duty to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the principals or their designee. Any scholar observing another scholar possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principals, the principals' designee, building/program administrator or the East EPO Superintendent. The Let's Talk portal on the East EPO website may also be used to report violations. The identity of any person providing information will be protected to the fullest extent practicable.

All East EPO staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. East EPO 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 East EPO 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, East EPO Superintendent or the University of Rochester.

Any weapon, alcohol or illegal substance found on East EPO property or in the possession of any person on East EPO property shall be confiscated immediately, if possible. Where the material was possessed by a scholar, confiscation shall be followed by notification to the parent/guardian of the scholar 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 principals or their designee shall be responsible for enforcing the conduct required by this Code. When the principals or their designee see or are advised by others of an individual engaged in prohibited conduct, which in their judgment and discretion does not pose any immediate threat of injury to persons or property, the principals or their designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principals or their 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 principals or their designee poses an immediate threat of injury to persons or property, or to public order, the principals or their designee shall have the individual removed immediately from school property or the school function and may, if they believe it necessary, call the police to assist in removing the person.

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

Cross-ref.: [Policy #0100 East EPO Policy Prohibiting Discrimination or Harassment of Scholars 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 East EPO 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

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

The East EPO Superintendent, University of Rochester, and School Board will review the following:

- The total enrollment for the school.
- Average daily attendance rate at the school.
- Dropout rates for grades six 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/gender identity of the scholars, 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 scholars 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 scholar's record.
- The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all scholars.

School Climate and Discipline Oversight

The East EPO will monitor school climate by:

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

ANNUAL REVIEW, DISSEMINATION, & REGULATION

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

The East EPO Superintendent shall have the Governance Council and East administration assist in reviewing the Code of Conduct along with school-level data and school-level data aggregated to illustrate any trends. The Governance Council shall consist of the following representatives: Principal; RTA reps; BENTE rep; RAP rep; ASAR rep; parent/guardian; and scholars.

The Governance Council and East administration shall submit their findings and any recommendations to the East EPO Superintendent at the end of each school year.

Dissemination

The East EPO shall post the complete Code of Conduct (with all amendments and annual updates) and a summary of the Code of Conduct on the East EPO website and other applications available to families/guardians when possible; provide a summary of the Code of Conduct to all families/guardians 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 scholars, families/guardians, East EPO personnel and community members. The East EPO 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 East EPO Superintendent is authorized to promulgate, revise, maintain and enforce throughout the East EPO 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 the East EPO, 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 East EPO 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: Tardy Policy

Tardy Policy

1. All scholars are expected to be in class by the time the bell rings.
2. Scholars are given 4 minutes of passing time. During that time staff should be at the door welcoming and encouraging scholars into the classroom. If scholars enter after the 4 minutes, teachers will welcome them and engage in progressive discipline classroom consequences. If consistent tardiness occurs, then a referral for administrative support should be completed.
3. No passes should be issued by ANY staff during the first and last ten minutes of a block. Passes should be used with a time, teacher name and destination denoted when scholars are sent out during class time.
4. Teachers, SSOs and administrators will be present in hallways and outside doors between classes/during passing time.
5. Hall sweeps will be done randomly at the start of a block. All staff who are not otherwise assigned/encumbered during that block will assist with the collection of tardy scholars after the bell, for an additional five minutes.

Administration will announce when a hall sweep is in effect, but unannounced sweeps will also occur. Sweeps will bring all students to a common location - Upper School to Commons Area, Lower School to House Office - where names will be documented and progressive disciplinary actions will be implemented consistently.
6. A system of progressive disciplinary actions will be implemented for “frequent fliers”: warning, phone call, detention, community service Saturday mornings, Parent/family/guardian conference, ISS (1-5 days). Names of scholars who are documented will be kept on a transparent log accessible to all staff on SharePoint or Google classroom. A flyer with policy expectations will be created and posted throughout the building and in each classroom.

APPENDIX B: Cell Phone Policy

Cell Phone Policy

The school will be divided into red and green zones to designate when cell phone use is acceptable. Cell phones may be used in green zones. Cell phones are invisible and turned off in red zones. Classrooms are red zones unless otherwise determined by the teacher.

Violations of the cell phone policy

A Google form will be used to track all violations that result in a phone being taken by administration. This log will be transparent and available to all staff.

If a scholar refuses to abide by the red/green zone rules, it will result in the following actions:

1st offense: Verbal warning and adult restate expectations.

2nd offense: Confiscation of the cell phone for the period by administrator, with parental/guardian contact made by administrator.

3rd offense: Confiscation of the cell phone for the day, with parental/guardian contact made. Intervention by School Counselor.

- **4th offense:** Confiscation of the cell phone with parental/guardian contact made. Parent/guardian must come to campus and pick up the phone. Intervention by School Counselor. Progressive disciplinary actions taken (detention with administrator, crash course on cell phone policy, community service, ISS, etc.). A student's electronic device may be confiscated by East EPO 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. The 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.

Expectations

- Instruction is the main focus for every scholar.
- Ear buds are required when audio is in use.
- All scholars will be informed of cell phone expectations.
- Taping during school hours may only be done with permission.
- Cell phone security is scholar responsibility; the East EPO is not liable for any loss or damage.
- Only administration will confiscate cell phones, unless a scholar willingly surrenders her/his phone to staff.
- Staff cell phone usage should only be related to instruction or management.

APPENDIX C: General Electronics Policies

General Electronics Policies

Computer Identification Systems & Random Metal Detection

At the East EPO, computer identification systems shall be used to supplement other safety initiatives, and to insure to the extent feasible that unauthorized access to the school is minimized. All scholars are required to carry their scholar identification, and to present it upon request to any East EPO 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 scholars are subject to scanning procedures, and to confiscation of any material prohibited by law or school policy or regulations. If a scholar refuses to cooperate with the scanning or authorized pat down process, support staff shall be called for intervention and mediation. If the scholar continues to refuse to comply, the scholar may be referred for disciplinary action.

Ref.: Policy #8135 Safe Schools

East EPO Computer Equipment/Websites/E-mail Used by Any Person

No person using East EPO faxes, computer equipment, software owned, leased or controlled by the East EPO, or websites, e-mail or Internet access provided by the East EPO has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the East EPO. 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 East EPO's MIS department; nor shall any person knowingly or intentionally use any proprietary software on East EPO equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose East EPO equipment to any computer virus, worm or other technological invader. No user shall use East EPO equipment to engage in extensive or abusive non-business or non-academic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for East EPO educational and business operations. The East EPO reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using East EPO equipment or on school property without prior notice or consent. Any use of East EPO computer equipment or software, or Internet access from East EPO 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 East EPO 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 RCSD Network

Policy #4526 Internet

APPENDIX D: Dress code

DRESS CODE

Rationale

A dress code and its implementation impact both the constitutional rights of scholars 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 scholar's right to free expression and the educational mission of the East EPO.

Scholars and their parents/guardians/legally responsible family members have the primary responsibility for acceptable scholar dress and appearance. Teachers and all other East EPO personnel should, at a minimum, adhere to the dress code, as well as exemplify acceptable dress and help scholars develop an understanding of appropriate appearance in the school setting.

Clothing, accessories or appearance that run contrary to the East EPO'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 scholars and adults any time they are on East EPO 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 must adhere to the following guidelines:

1. Clothing:

- a. Clothing, jewelry, clothing attachments, or accessories including chains and spikes that may pose a threat or physical harm are not permitted.
- b. Clothing, jewelry, or clothing accessories that contain or include messages that are vulgar, obscene, libelous, threatening, intimidating or denigrate of others on

account of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or age is strictly prohibited. Clothing containing lewd, vulgar or demeaning sexual references or innuendos is prohibited.

- c. Clothing, jewelry, or clothing accessories that contain or include messages promoting and/or endorsing the use of alcohol, tobacco, illegal drugs and/or encouraging other illegal, violent, and/or gang-related activities is strictly prohibited.
2. **Outerwear:** articles normally worn outdoors such as overcoats, trench coats, and face coverings may not be worn while in school. Outerwear of this type should be hung in lockers or designated areas upon arrival at school. It should remain there until dismissal. Hats or head coverings may be worn for bona fide religious or medical purposes, or for celebrating purposes when authorized by school principals (i.e., “Spirit Day,” etc.).
3. **Undergarments** must not be visible at any time. Bodies should be covered in the area from underarm to a length at or below the fingertips when arms are fully extended at the side (with shoulders relaxed).
4. **Footwear** is required at all times and must possess solid soles, and be safe and appropriate for indoor or outdoor activity.

Guidelines for Further Standards

In addition to the standards above, schools (Upper and Lower) 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 scholars, parents/guardians, 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 scholars 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.

Scholars who violate the dress code 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 scholar who refuses to do so shall be subject to a Level 1 or Level 2 response. Scholars should not be suspended or otherwise removed from their educational program because of a dress code violation.

APPENDIX E: Restorative Approaches

Restorative Approaches

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 scholars (or faculty or scholars 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.

Quick Fix: A Quick Fix conversation is designed to show a scholar he/she can make a change for the positive and be responsible. This conversation saves time, reduces talking, emphasizes a solution, uses “pause time” and specific verbiage such as “thank you” and avoids debates, excuses, or confrontations.

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 scholar 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 can be repaired.

APPENDIX F: Due Process

DUE PROCESS PROTECTIONS

Referral for Disciplinary Action

If school staff believes that a scholar'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 scholar from the class. However, written referrals shall not be used to document progressive discipline supports offered to scholars within the classroom.

When the scholar 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 scholar. This referral must be filled out prior to the principals 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 an East EPO-wide standardized form (will be created on Google) that will include the teacher's methods of progressive discipline approaches already implemented.

The referrals will be inputted into a digital system available to all staff. An online program will 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 scholars 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 principals or their designee to take the following investigative steps:

1. Question the victim and any other witnesses to an 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 scholar of the disruptive behavior of which she/he is being accused and provide the accused scholar with an explanation of the evidence.
5. Whenever practicable, provide the accused scholar an opportunity to present his/her side of the event and identify witnesses.
6. In circumstances where the scholar has been arrested, the scholar should be advised that any statement made by the scholar may be used against the scholar in a court of law, and the scholar's parent/guardian/legally responsible family member should be notified immediately.

Classroom Removal

Notice Requirement:

The East EPO must provide the following notice to families/guardians when a scholar is removed from the classroom:

- All reasonable efforts must be made to notify the parent/guardian 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/guardian's native language if practicable; and will include a description of the incident, length of the classroom removal, and a statement informing parents/guardians they 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 scholar's cumulative file.

Conference Request:

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

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

- Actual notice of the conference date shall be provided to the parent/guardian's and the scholar.

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 disruptive behavior that cannot be dealt with using standard progressive discipline or restorative practices. Short-term suspensions shall not take effect until a preliminary interview, notice and conference occur, except when a scholar's presence in school poses an ongoing danger to persons or property or an ongoing threat to the academic process, the scholar 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 scholar has engaged in conduct for which a suspension may be warranted, it is the responsibility of the principals or their designee to take the required investigative steps and make a determination of possible discipline, including short-term suspension, if warranted under the circumstances. The principals or acting principals shall take into account all factors when making a preliminary recommendation about a short-term suspension.
2. **Notice to Parent:**
 - a. Principals (or designee) shall make every effort to reach the parent/guardian by telephone, email, or other electronic means to inform them of the scholar'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/guardian dominant language whenever practicable. If not practicable, all reasonable steps shall be taken to provide oral translation to the parent/guardian;
 - d. That notice shall be on an approved East EPO form and contain the following:
 - i. A description of the incident including the section of the Code of Conduct the scholar allegedly violated;
 - ii. Length of the possible suspension;
 - iii. A statement explaining the standard progressive discipline and restorative practices used, or if none were used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
 - iv. A statement informing the parent/guardian of her/his right to request an informal conference with the principal;
 - v. A statement of the scholar's and parent/guardian'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/guardian choosing and the right to appeal;

- vi. A statement of the means by which the scholar will be provided alternative instruction during the period of suspension;
- vii. A statement that if the scholar has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the scholar 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 scholar's return to his or her program and prevent further disruption of the scholar'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/guardian request.
- c. Informal Conference Provisions:
 - i. Scholar and parent/guardian 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. Scholar and parent/guardian may be represented by an attorney or an advocate.
 - iii. Upon request of the parent/guardian or scholar, the school shall provide interpretation services in the parent/guardian/ and scholar's dominant languages.
 - iv. Scholar and parent/guardian have the right to receive a written decision within one school day of the conference.
 - v. If the principals determine 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. Scholars and parent/guardian 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 scholar's presence in school poses an ongoing danger to persons or property or an ongoing threat of disruption to the academic process, a scholar may be removed immediately and the informal conference shall follow as soon after the scholar'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 scholar to the parent.

6. **Re-entry restorative process:** When a scholar returns to school after a short- or long-term suspension, a formal restorative conference will be held (see Appendix B) to facilitate the scholar's positive re-entry to school.

Ref.: Education Law §3214(3)(b)

Long-Term Suspension and Expulsion

Long-term suspension (LTS) and expulsion are extreme disciplinary alternatives to be used for behavior that cannot be resolved appropriately using standard progressive discipline and restorative practices, 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 scholar engages in conduct for which a long-term suspension or expulsion may be warranted, the principals or their designee must investigate consistent with the requirements in #1 of short-term in school or out of school suspension, above. The principals shall take into account all of the factors when making a preliminary recommendation about a long-term suspension or expulsion. If the principals determine that an LTS referral is appropriate, they shall inform the scholar of the referral for LTS and the reason for the referral.
2. **Notice to parent/guardian:**
Schools must provide the following notice when a long-term suspension or expulsion is proposed:
 - a. Principals (or designee) shall make every effort to reach the parent/guardian by telephone, email, or other electronic means to inform the parent/guardian of the scholar'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/guardian within one school day from the determination to seek a suspension or expulsion;
 - c. Written notice will be in the parent/guardian'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 scholar allegedly violated;
 - ii. Length of the proposed suspension/expulsion;
 - iii. A statement explaining the standard progressive discipline and restorative practices used, or if none were used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
 - iv. A statement of the scholar's and parent/guardian's rights written in plain language, including the right to fair hearing, the right to question the East EPO's witnesses and to present testimony and other evidence on behalf of the scholar, 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/guardian's choosing, and the right to appeal;
 - v. A description of the alternative education that will be provided to the scholar until such time as a determination has been made with respect to whether or not the scholar 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 scholar 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/expulsion, unless the parent/guardian requests a later date. If the hearing occurs after the fifth day following the suspension/expulsion without the parent/guardian consenting to the delay, the scholar shall be returned to her/his regular program until such time as the hearing is held and the East EPO Superintendent or 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. The East EPO must prove the scholar's alleged disruptive behavior by competent and substantial evidence.
 - iii. The East EPO cannot rely exclusively on hearsay evidence to meet its burden of proof.
 - iv. Scholar and parent/guardian 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. Scholar and parent/guardian have the right to request and, upon request, the East EPO must require, the presence and testimony of witnesses who are school employees.
 - vi. Scholar and parent/guardian 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. Scholar and parent/guardian have the right to request the presence and testimony of other scholars or witnesses to the event, and the school shall take all reasonable steps to ensure their presence.
 - viii. Scholar and parent/guardian 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 East EPO Superintendent or 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/expulsion if he or she determines:
 - 1. The suspension/expulsion was imposed for disruptive 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 East EPO Superintendent's designee may dismiss or reduce the proposed suspension if he or she determines:
 - 1. The school did not use appropriate progressive discipline or restorative practices, unless the conduct that resulted in the suspension/expulsion was sufficiently serious that progressive discipline or restorative practices would not have been appropriate.
 - 2. The suspension/expulsion 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/guardian or scholar, the school shall provide interpretation services in the parent/guardian's native language.
- xiii. Scholar and parent/guardian have the right to receive written notification of the determination of guilt or lack thereof and penalty, if guilt is determined. If the East EPO Superintendent or designee determines a long-term suspension or expulsion is warranted, the written decision shall include the length of suspension, the conduct for which the scholar 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 scholar/ parent/guardian within three school days after the East EPO Superintendent or 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. Scholar and parent/guardian shall have a right to request and receive this record at no cost.

4. Appeal Provisions:

- a. Parent/guardian or scholar can appeal the decision to suspend or expel within 20 school days from the date the parent/guardian 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 scholar'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 East EPO 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 disruptive behavior for which suspension/expulsion is prohibited in the Code of Conduct.
 - iii. The record demonstrates that the school did not follow the due process procedures in this subsection.
 - iv. The suspension/expulsion was not appropriate considering the factors listed in this Code.
- g. The East EPO may overturn or reduce the suspension if it determines:
 - i. The school did not use appropriate progressive discipline or restorative practices, unless the disruptive behavior that resulted in the suspension was sufficiently serious that progressive discipline or restorative practices would not have been appropriate.
 - ii. The suspension/expulsion 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 the principals desire to restrict a family member's access to the school, the East EPO Superintendent must first authorize such action. The principals must specify the duration and conditions of any restriction (e.g., must make an advance appointment or be escorted within the building).

APPENDIX G: Scholars with Disabilities

The East EPO is committed to a policy of inclusion of scholars with disabilities within the full range of programs offered to scholars of the East EPO 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 East EPO regarding scholar discipline for scholars shall be uniform for all scholars, both with reference to disciplinary proceedings and reporting crimes to appropriate authorities.

The East EPO recognizes that it may be necessary to suspend, remove or otherwise discipline scholars with disabilities to address disruptive or problem behavior that may not be related to their disability. The East EPO also recognizes that scholars 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 East EPO is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining scholars with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This Code of Conduct affords scholars 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 East EPO scholars with disabilities, the East EPO Superintendent is authorized to issue regulations designed to maintain coordination of the 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 East EPO Superintendent deems appropriate.

It is the policy of the East EPO 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 scholars with disabilities. Scholars 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 scholar accumulating more than ten school days of removals for the school year, a parent/guardian and necessary East EPO employees shall review the scholar's file to determine whether the disruptive behavior 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 disruptive behavior was a manifestation of the scholar's disability, the East EPO Committee on Special Education (CSE) shall conduct a functional behavioral assessment and create or modify and implement a behavior plan, and the scholar shall return to his/her prior (or otherwise agreed-upon) placement, except when the scholar's disruptive behavior involves serious bodily injury, weapons, illegal drugs or controlled substances, the scholar may be disciplined in accordance with Part 201.7(e) of the Commissioner's Regulations. If the disruptive behavior was not a manifestation of the scholar's

disability, then a scholar with a disability will be treated in the same manner as the scholar's non-disabled peers, and the East EPO shall continue to implement the scholar's IEP. In all instances, the East EPO shall consider any unique circumstances when determining whether to change the placement of scholars 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 "Scholars with Disabilities"

APPENDIX H: Law Enforcement

Roles of School Resource Officers, Law Enforcement and Criminal Investigations

The East EPO 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. SROs and other law enforcement officers who interact with scholars on school grounds and at school activities are partners in advancing the vision and objectives of the Code of Conduct, and the 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 scholars with problems before they negatively affect safety and security or the learning climate and to contribute broadly to our scholars' 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.

East EPO Superintendent and School Administrators

1. The East EPO will work collaboratively with the City in defining the responsibilities and expectations of SROs.
2. The East EPO will provide training and review where necessary to ensure alignment between Code of Conduct, the EPO Plan requirements and the responsibilities of SROs and building administrators.
3. The East EPO will provide feedback regarding SRO performance and work cooperatively with the City in the placement of SROs.
4. The principals 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.
5. In a non-emergency or post-emergency situation, the principals and SRO should consult to determine whether any scholar was involved in a disciplinary issue or a crime. If there is disagreement, the SRO supervisor should be consulted for a determination.
6. The principals, or designee, will immediately contact the parent/guardian of any scholar arrested or involved in a criminal investigation on school grounds in all non-emergency situations, or as soon as practicable in emergency situations.
7. The principals, or designee, will immediately notify SROs and other law enforcement agents involved in an arrest or criminal investigation if a scholar 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 may appear before Parent Teacher Associations, Governance Councils and other school groups and are encouraged to attend school meetings and training sessions.
3. The City will provide information and reports regarding: scholars arrested; physical force used on scholars; 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 the East EPO.
4. The East EPO will support or provide training to SROs in restorative practices and progressive disciplinary responses designed to minimize arrests.
5. SROs will move freely in their assigned building, to develop rapport with scholars, and in locations requested by the East EPO.
6. SROs will collaborate with the 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 scholar is traveling to or from school, prior to involving any scholar in a crime investigation related to that alleged crime.
7. SROs and other law enforcement agents will immediately inform the principals or designee prior to involving any scholar in a criminal investigation on school grounds (or at a school activity) in non-emergency situations, or as soon as practicable in emergency situations.
8. SROs may participate in a wide range of instructional and supportive activities. They will coordinate activities with the East EPO, school administrators and staff.
9. SROs will ensure that efforts are made to educate and communicate with scholars who are arrested regarding the criminal charges and Miranda rights, if applicable.
10. SRO competencies should include, but not be limited to: knowledge of East EPO discipline approach and Code of Conduct; cultural competence; age-appropriate interventions, communication and de-escalation policing techniques; the existence of exclusionary discipline disparities according to race and disability, and the East EPO's legal obligation to eliminate them; and school-specific approaches to restorative and progressive discipline behavioral responses.

Police Involvement in Searches and Interviews of Scholars

East EPO officials will cooperate with police officials and other law enforcement authorities, and in particular with the SROs provided by the Rochester Police Department to the East EPO in order to maintain a safe school environment. Police officials, however, have limited authority to interview or search scholars in school 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 scholar or to conduct a criminal investigation involving scholars only if they have:

1. A search or 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 scholar on school property in the context of an official criminal investigation, the principals or designee shall attempt to notify the scholar's parent/guardian. Whenever possible, the principals or designee will also be present during any police questioning or search of a scholar on school property or at a school function.

Abuse/Neglect Investigations by Child Protective Services and Law Enforcement

Consistent with the East EPO's commitment to keep scholars 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 scholar has been neglected, abused or maltreated, the East EPO will cooperate with local CPS workers and law enforcement officers who wish to conduct interviews of scholars on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations. East EPO administrators should not contact parent/guardian 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 scholar on school property shall be made directly to the principals or their designee. The principals 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 the building.

The principals or their designee should reassure the scholar that he/she (or other appropriate staff member selected by them) is available nearby if the scholar should decide to have her/him present in the interview. If the scholar 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 scholar is present solely to support the scholar emotionally and should not attempt to participate in or influence the interview.

If, after being informed of the availability of staff support, the scholar 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 scholar to remove any of his or her clothing in order for the CPS worker to verify the allegations, the school nurse or other East EPO medical personnel must be present during that portion of the interview. No scholar may be required to remove his or her clothing in front of a CPS worker or East EPO official of the opposite sex.

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

East EPO staff is encouraged to contact the Law Department for clarification of any questions related to the foregoing process.

APPENDIX I: 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, vice principals, directors, program administrators, and athletic directors), East EPO-wide administrators, 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.

Attack on Scholar: A scholar or scholars set upon another scholar in a forceful, hostile or aggressive way without warning or provocation.

Behavior Intervention Plan: A proactive plan designed by school staff to correct inappropriate or disruptive scholar behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both scholars 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 that 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 scholars. If two scholars are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two scholars. 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 scholar 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 scholars, teachers, administrators, and parent/guardian in discussion about scholar disruptive behavior 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, social media, text messages, 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.

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

Disruptive Scholar: An Lower School or Upper School scholar 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 scholar's inappropriate or disruptive behavior and determining approaches school staff should take to correct or manage the scholar'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, being a single parent, or same-sex marriage.
- **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 or gender identity, 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 orientation toward or responsiveness to members of the opposite or same sex

Ref: Policy #0100 East EPO Policy Prohibiting Discrimination or Harassment of Scholars or Employees

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

Loss of Privileges: As a consequence of a violation of the Code of Conduct, a scholar 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 scholars are removed from class because of inappropriate or disruptive behavior, school staff must provide scholars with missed assignments and the opportunity to make up these assignments without penalty. Scholars with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets.

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

Parent/guardian: Person or persons in parental or legal relation to a scholar.

Family Outreach: Family outreach requires school staff to inform parents/guardians of their scholar's behavior and seek their assistance with correcting inappropriate or disruptive behavior.

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

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

Progressive discipline: A disciplinary practice that provides a graduated range of responses to scholar performance or behavior problems. Disciplinary measures range from mild to severe, depending on the nature and frequency of the problem.

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: Scholars 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: Scholars 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 scholars who are in need. Scholars 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 scholar 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 East EPO, or are under contract or assignment to the East EPO, or who volunteer to assist the East EPO in the operation of its programs and/or the delivery of its services. The term "East EPO personnel"

includes transportation personnel whether employed by the East EPO or by a contractor. For purposes of this Code, “East EPO 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 school or any other property owned or leased by the East EPO, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by/for the East EPO.

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 scholar, 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.

Trauma: Adverse childhood experiences that negatively impact learning and development such as: poverty; physical, sexual or psychological abuse; witnessing, or being a victim of, domestic violence; death of a family member; living with a parent, guardian, or other family member with mental illness, substance abuse, or involvement in criminal behavior or incarceration; being chronically bullied; homelessness; food insecurity; living in the proximity of pervasive community violence; being refugees from war-torn countries; being in the foster care system; surviving natural disasters; undergoing multiple, invasive medical procedures; living with a parent traumatized by combat.

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

Violent Scholar:

An East EPO scholar under the age of 21 whom:

1. Commits an act of violence, such as intentionally hitting, kicking, punching and/or scratching a school employee or scholar, 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 another scholar 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 East EPO 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, includes 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, nun chuck, spiked glove, spiked wristband, any mace derivative, and 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\(gg\)](#)